COMMISSION OF INQUIRY
ON
REMUNERATION OF ELECTED
PROVINCIAL OFFICIALS

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December 1, 1985

The Honourable Arthur R. Donahoe
Speaker of the House of Assembly
Province House
Halifax, Nova Scotia

Dear Mr. Speaker:

We were appointed as Commissioners pursuant to Chapter 29 of the Statutes of Nova Scotia, 1983, to make an inquiry and a report repecting the indemnities, allowances and salaries to be paid under the House of Assembly Act, the Executive Council Act and the Members' Retiring Allowances Act.

Having completed our inquiry, in fulfillment of the commission assigned, we respectfully submit the accompanying report.

Yours sincerely,

W. Andrew MacKay

George White

NOVA SCOTIA

COMMISSION OF INQUIRY

ON

REMUNERATION OF ELECTED PROVINCIAL OFFICIALS

REPORT

1 December 1985

TABLE OF CONTENTS

		Page
I.	INTRODUCTION	1
II.	INDEMNITIES, ALLOWANCES AND SALARIES: BACKGROUND CONSIDERATIONS	6
	1. Basic Indemnities, Allowances and Salaries for M.L.A.'s and Ministers	6
	2. Additional Payments to Members for Services in the House	7
	3. The Legislature and the Role of the M.L.A.	9
	4. Support for Legislators in Other Provinces	13
	5. Some Indicators of Recent Economic Changes in Nova Scotia	14
III.	REMUNERATION FOR M.L.A.'S	17
IV.	SUPPORT, SERVICES AND FACILITIES FOR THE WORK OF PRIVATE MEMBERS AND OF CAUCUS OFFICES	26
V.	SUPPORT FOR LEADERS OF OPPOSITION PARTIES	32
VI.	SALARIES OF MEMBERS HOLDING OFFICE AND EXPENSES OF MEMBERS OF THE EXECUTIVE COUNCIL	34
VII.	SALARIES FOR OFFICERS OF THE HOUSE	39
VIII.	ARRANGEMENTS FOR ADMINISTRATION	41
IX.	ALLOWANCES UNDER THE MEMBERS' RETIRING ALLOWANCES ACT AND BENEFIT PROGRAMMES FOR MEMBERS	42
X.	CONCLUSION	50
XI.	SUMMARY OF RECOMMENDATIONS	52
XII.	SUMMARY OF PROPOSALS	54

APPENDICES

A.	Footnotes	58
B.	Letter of Appointment of Commissioners with text of s.43A of the House of Assembly Act as amended 1983, c.29	61
C.	Acknowledgements	63
D.	Internal Economy Board Regulations 1985 and 1985A	66
E.	Excerpt from Hansard, March 18, 1985, Resolution re Special Committee on Rules and Procedures	79

Appendices (continued)

F. Excerpt from the Minutes of the Meeting of October 23, 1985 of the Special Committee on House of Assembly submitted by the Honourable Arthur R. Donahoe, Chairman of the Committee to the Commission of Inquiry at a public hearing November 15, 1985 81

G. Tables 82

H. Principles Relating to Remuneration and Support for Members and Ministers 89

INDEX TO TABLES IN THE REPORT

Table A Acts Passed by the Legislature, Nova Scotia (1978-1985) 10

Table B Comparison of Some Changes in Earnings, Public Sector, Nova Scotia, 15

Table C Payments to Members of Indemnities, Allowances and Average of all Committee Fees, 1982-85 23

Table D Summary Record of Salaries Paid to Designated Office Holders, 1978-1985 34

Table G-1 Summary Record of Indemnities, Allowances and Salaries for M.L.A.'s, Salaried Members and Members of the Executive Council in Nova Scotia, 1978-1984 82

Table G-2 Indemnities, Allowances and Salaries for Elected Members by Province 1985 83

Table G-3 Summary of Additional Remuneration for Particular Responsibilities and for Committee Service in the Legislature by Province 84

Table G-4 Sitting Days per Session of the Nova Scotia Legislature 1967-1985 85

Table G-5 Unionized Wage Settlements, Average Annual Compound Percentage Increases, 1985 86

Table G-6 Average Salaries of Selected Public Sector Groups, Nova Scotia, 1978-1985 87

Table G-7 Consumer Price Index for Canada (All Items) 1978-1984 88

I. INTRODUCTION

In accordance with section 43A of the House of Assembly Act, the Speaker of the House appointed a Commission by letter dated September 24, 1985, "to make an enquiry and a report respecting the indemnities, allowances and salaries to be paid under the House of Assembly Act, the Executive Council Act and the Members' Retiring Allowances Act."[1]

In the course of the Inquiry the Commission sought comment, advice and assistance through advertisements, through personal interviews and meetings and by writing to a number of people. All Members currently serving in the House of Assembly were contacted and advice was also sought from a number of former Members. We invited submissions oral or written at public hearings, and we received three.

The Commissioners met with a number of people, received written comments from others and were also assisted with advice and comments from officers of the House and from public servants associated with the work of the House and of the Executive Council. Public hearings were scheduled on two occasions and we especially note our thanks to those who appeared before us. The Honourable Arthur R. Donahoe, as Chairman of the Special Committee of the House on Rules and Procedures, presented at public hearings recommendations of that all party committee. As Commissioners we record our appreciation for the assistance and advice given us by all of those with whom we met.[2]

In the past similar Commissions, in 1969, 1974, 1979 and 1982, appointed by the Lieutenant Governor in Council, considered and reported on the adequacy of indemnities, allowances and salaries paid under the three statutes and on services for support of the work of Members. These reports were submitted to the Lieutenant Governor in Council, considered by government of the day and various of the recommendations of earlier Commissions were implemented by amendment to the pertinent legislation.

In 1983 section 43A of the House of Assembly Act was enacted to provide that the Speaker annually appoint persons to make inquiry and to report by December 1st. The section also provides that the Speaker, upon receipt of the report containing recommendations "shall cause the recommendations to be implemented and they shall have the same force and effect as if enacted by the Legislature", and "the recommendations shall apply from the first day of January immediately following the year" in which the report is made.[3]

In 1983 and 1984, as in this year, Commissioners were appointed and recommendations made in their reports to the Speaker were implemented for 1984 and 1985 respectively.

In the course of this year's inquiry Commissioners received at a public hearing a submission which raised serious questions about the authority of the Commissioners. In a written submission it was suggested to us that the authority provided by section 43A of the House of Assembly Act was

1) inappropriate since it was in conflict with fundamental principles of responsible representative government which support the essential control by elected representatives over public spending, and
2) an unlawful delegation of legislative function, since the words of section 43A constituted this Commission "as the Assembly's legislative agent" and since no discretion was left to elected Members of the Legislature as to whether or not to accept recommendations made by the Commissioners.

This submission proposed that "this Commission recognize ... (it) is not properly constituted and ought not to make recommendations with respect to the indemnities, allowances and salaries to be paid from the revenues of the Province ...."[4]

The issues raised by this submission are important but they are properly considered by the Legislative Counsel or the law officers of the Crown. As Commissioners we have brought this submission to the attention of the Speaker and of the Legislative Counsel. Having accepted the Commission assigned by the Speaker we discharge our responsibility by submission of this report.

Another submission made to Commissioners at public hearings[5] recommended that we should in turn recommend that this method (i.e., as provided by S.43A of the House of Assembly Act) be abolished and replaced by one whereby the Members of the House of Assembly take direct responsibility for their salaries and that there be automatic escalation of those salaries in line with some objective criteria. We record this recommendation which questions the appropriateness of the process we have been engaged in. We note that earlier commissions in Nova Scotia commented upon but recommended against establishment of an automatic system of escalation based on defined criteria.

Without comment on the merits of the submissions questioning the authority or appropriateness of this Inquiry, we note that both were presented by representatives of one political party and representatives of that party have raised similar issues with the Commissioners in earlier years.

As Commissioners appointed by Mr. Speaker, we are authorized under the Act to make "an inquiry and a report respecting the indemnities, allowances and salaries to be paid"[6] under the three statutes. In the reports of similar Commissions of Inquiry in 1983 and 1984[7] in addition to the recommendations relating to "indemnities, allowances and salaries", we as Commissioners then serving commented on a number of other matters that had been brought to our attention. On some of these we expressed opinions and made proposals for consideration of the Speaker, Government, the Legislature Internal Economy Board, Members of the House of Assembly or others concerned with its work.

Consideration has been given to these earlier proposals and we note that a number of steps have been initiated. Included among these are:

1) In cooperation with the Auditor General satisfactory procedures have been adopted which eliminate uncertainty and ambiguity about the arrangement for support of Members of the House and their expenses and those of Ministers. Thus

   i) new Regulations and guidelines have been approved by the Legislature Internal Economy Board relating to committee fees, travel and other expenses to support the work of Members of the Assembly and the Speaker has initiated the practice of meeting with all Members to review these, a practice which it is anticipated will be maintained, and

   ii) an overall policy statement, with definitions and guidelines relating to the claiming and documentation of Ministers' expenses was issued in the fall of 1984 by Management Board.

2) As Chairman of the Legislature Internal Economy Board the Speaker has caused to be tabled in the House of Assembly all regulations of the Board that provide for payments to, or services and support for expenses of Members.[8]

3) A Special Committee on Rules and Procedures, with representatives of all parties, has been appointed with broad terms of reference[9] to review arrangements for operations of the House including the committee system of the House, and for support of the work of Members.

These initiatives will ensure that all Members and Ministers are properly informed of clear policies about arrangements for their support and expenses, that these policies are available to interested members of the public and that there is no uncertainty in their application.

Further, the work of the Special Committee on Rules and Procedures will provide opportunity for representatives of all recognized parties in the House to contribute to practices that will assist Members and the House of Assembly in effective discharge of their responsibilities in an increasingly complex society.

One initiative is worth further brief comment. The Special Committee on Rules and Procedures agreed on arrangements that should be recommended to this Commission at a public hearing. Consequently, as noted earlier, the Speaker, as chair of that Committee, appeared on behalf of the Committee and submitted recommendations[10] which deal primarily with the matter of fees for service on standing committees of the House. In the course of this report reference will be made to the Committee's recommendations wherever relevant.

Again this year some matters have been brought to the attention of the Commissioners which we consider do not fall clearly within the words "indemnities, allowances and salaries" and we have included in this report proposals for consideration by those concerned with the operations of the House of Assembly. While we would expect only those matters dealt with by our recommendations to be considered for implementation by the Speaker to be effective January 1, 1986, we would expect proposals included in this report will receive careful consideration.

Recent information on remuneration and the arrangements for support of legislators in other provinces was obtained from Canadian Legislatures: The 1984 Comparative Study, published by the Office of the Assembly, Queen's Park, Toronto, and from the editors of that annual study.[11] The editors of this annual study provided information available since their latest publication, particularly relating to 1985. The 1984 study included interesting comparisons of arrangements prevailing in many state legislatures in the United States and it also included the results of an important survey of public opinion about legislators in Canada and their work. The Commissioners appreciate the assistance of the editors and acknowledge the value of this annual study which greatly facilitates comparisons of arrangements prevailing in legislatures across Canada.

II. INDEMNITIES, ALLOWANCES AND SALARIES: BACKGROUND CONSIDERATIONS

1. Basic Indemnities, Allowances and Salaries for M.L.A.'s and Ministers

Under the House of Assembly Act provision is made for payment of annual indemnities and allowances for Members of the House of Assembly, and of salaries to its officers, to the Leader of the Opposition and to the leader of a recognized party.[12] Salaries for the Premier and for Ministers are provided under the Executive Council Act.[13]

The statutory provisions for specific indemnities, allowances and salaries were last amended in 1982, following the report of an earlier Commission of Inquiry, and those provisions, in accordance with that report, specify certain levels for indemnities, allowances and salaries for 1983 and subsequent years. These levels of remuneration were not implemented because of government restraint policies and because of the amendment of the House of Assembly Act in 1983[14] providing for a Commission to be appointed annually and the recommendations of the Commission, regarding indemnities, allowances and salaries paid to Members and to Ministers, to be implemented for the following year by the Speaker.

The recent history of basic indemnities, allowances and salaries paid to M.L.A.'s and salaried Members, since 1978, appears in Appendix G, Table G-1.

In 1985, in accord with recommendations made by a similar Commission of Inquiry in 1984, each Member of the House of Assembly was paid an annual indemnity of $20,280 and an annual allowance for expenses of $10,140. In addition, salaries were paid to certain members in relation to the important offices they held, as follows: to the Premier $40,860; a Minister having charge of a Department (i.e. a "Minister with portfolio") $31,670; a Minister without portfolio $7,500 to $31,670; the Speaker $31,670; the Leader of the Opposition $31,670; the Deputy Speaker $15,835; and the Leader of a Recognized Party, other than the Opposition, $15,835. A comparison of these arrangements with those prevailing in other provinces appears in Appendix G, Table G-2.

2. Additional Payments to Members for Services in the House

In addition to basic indemnities, allowances and salaries for Members and for Ministers, provision has been made for additional payments to Members of the House of Assembly for certain responsibilities discharged in the House or in its committees.

Somewhat similar arrangements prevail in other legislatures in Canada. Though we are not confident we have full and complete understanding of current arrangements elsewhere, a summary of these arrangements reported in 1985 appears in Appendix G, Table G-3. The principle underlying these arrangements is that members who are assigned responsibilities important for the working of the House of Assembly should receive additional remuneration for those responsibilities.

In Nova Scotia provision is now made for payments of this sort by regulation of the Legislature Internal Economy Board.[15] In 1985 the Board provided additional payments as follows: House Leader ($5,000 per annum), Deputy House Leader ($3,000 per annum), House Leader of the Official Opposition ($2,000 per annum), Whip of each Party ($85 per Member in the House), and Caucus Chairperson of each Party ($85 per Member in the House). Provision was similarly made for payments in respect of these offices in 1984 and 1983 and the levels of payment have not varied since 1984 or earlier in some cases.

In addition, for some years the Legislature Internal Economy Board has provided additional payments for the chairperson and for members of Standing and Select Committees of the House, of certain other committees and of the Board itself. The arrangements for committee service payments in 1985 are set out in Appendix D, the Regulations of the Legislature Internal Economy Board.

Since 1984 payment for service as chairperson and as a member of Standing Committees has been limited to three committees, and for service on Select Committees has been limited to two committees. The arrangements have reflected recognition that among Standing Committees the Law

Amendments Committee involves particularly onerous service, that certain other committees, namely those concerned with Private and Local Bills, Industry, Public Accounts, and Internal Affairs, generally involve a second order of service and importance, and that the other Standing Committees of the House, namely on Agriculture, Education, Environment, Fisheries, Human Resources, Labour, Lands and Forests, Mines and Energy, Tourism, and Veterans Affairs, generally have been less active and onerous. The arrangements also reflect the practice of House Committees in that Select Committees generally meet and conduct their business at times when the House is not in session.

In addition, payments were approved for service on the Special Committee on the Rules and Procedure of the House of Assembly, the Legislature Annex Renovation Committee, the Legislature Internal Economy Board itself and the Striking Committee which is responsible for recommending membership on all standing and other committees.

For the last three years, 1983, 1984 and 1985, average payments made to Members of the House for service on committees were as follows

Average Payments for Service	1983	1984	1985
for Standing Committees	$4,786	$4,952	$4,457
for all committees, including Standing, Select, Special Committees and the Legislature Internal Economy Board	$8,248	$8,530	$6,473

It is noted that the average of payments for committee service in 1985 has declined significantly in part because of the limitation on the number of committees for which payment is made to a member and in part because there were fewer Select Committees and special committees in 1985.

3. The Legislature and the Role of the M.L.A.

The M.L.A. in the 1980's has two basic roles. First, the Member is a legislator involved in the increasingly complex tasks of government. Second, the Member is called upon to assist and serve constituents in a multitude of ways and with all kinds of problems, sometimes of more direct concern to others than the provincial government.

In the primary role, as legislator, changes in technology, commerce and trade, social values, development issues and the rapidity of change itself have made the legislative function a more demanding vocation than it was some years ago. This is more than ever the case as government and the legislature seek to manage the affairs of the province in an era of restraint, at a time in Nova Scotia when there is both considerable economic promise and uncertainty, and when the basic philosophy of the role of government is under review at the national level and not only in Canada. Continuing interrelations of federal and provincial governments and their public policies in such a time of change place new demands on private Members, whether in government or in the opposition. The responsibilities are even greater for the Premier and for Ministers who are responsible for governing through the Legislature and for the administration of government.

The greater complexity of government is not only the result of increasing need for cooperation and coordination between levels of government but also for effective cooperation between the public and private sectors. M.L.A.'s are required to become familiar with and deal effectively with a wide range of issues and concerns.

While it is impossible to make a definitive assessment of the M.L.A.'s legislative workload, one measure of the increasingly complex task of government is the pattern of legislature sittings over the last two decades. Appendix G, Table G-4, sets out this pattern.

The average number of sitting days per year has about doubled since the mid 1960's. The 48th Assembly met an average of 34 days a year and the 49th Assembly (1967-70) averaged 42 days, whereas the 52nd Assembly (1978-81) sat an average of 75 days per year, and the 53rd Assembly (1981-84) sat an average of 73 days per year.

In the last few years changes in procedure have facilitated the work of the House, especially through limitation of debate on the annual estimates in the Committee of the Whole, and sessions have tended to be shorter. In 1985 the Assembly sat for 50 days, the shortest session since 1974, and over the last three years it has sat an average of 60 days.

Not only are the sessions lengthy, days with extended hours of sitting have also become a regular feature of the pattern of legislative sittings; now one-third and sometimes more of the sitting days of the House have extended hours.

Another measure that may provide some insight into the expanding work of the legislature is the number of bills passed in the House each year. The table below shows the number of acts passed over the past eight years. From 1980 to 1984 the average number of public acts was 67 and on average total acts passed exceeded 100. In 1985 101 bills were introduced, and of these 41 became public acts and the total of acts passed was 72.

Table A

ACTS PASSED BY THE LEGISLATURE, NOVA SCOTIA[16]

	1978	1979	1980	1981	1982	1983	1984	1985
Public	43	53	65	66	69	67	67	41
Total	76	72	98	132	108	100	90	72

In addition to their role in the House itself, all Members also serve on standing, select or special committees. Often select or special committees meet when the House is not in session. Members of the Executive Council and Officers of the House have continuing responsibilities for policy and administration even when the House is not in session. Opposition Members generally have responsibility for monitoring and commenting upon particular aspects of government policy and practice, and not only when the House is in session. Members of all parties in the House also meet in caucus throughout the year. Thus, in the legislative role, every Member of the House spends considerable time throughout the year on business of the province whether or not the Assembly is in session.

The second role of the M.L..A is to assist and serve constituents in a multitude of ways. While the constituency "case load" may vary from one constituency to another, and among Members, this general role has continued to grow. Especially in the difficult economic times of the past few years Members often now maintain several hundred active files of constituents' problems and concerns. M.L.A.'s are expected to deal with all manner of problems including many that are primarily the concern of other levels of government. This would seem to be particularly the case for Members serving from constituencies outside the metropolitan Halifax-Dartmouth region. No doubt the same may be true for other elected members of national or local governments, for all seek to serve their constituents who cannot be expected to be clear in our complex federal society about the actual responsiblities of each government.

Service to constituents is rendered year round. For Ministers, assistance with this service is available through the Minister's office staff. For private Members assistance with this service is provided in part through services of the caucus office and in part by limited funds for secretarial assistance in the constituency and often by family members. For all Members from outside the Halifax-Dartmouth region service often results in a heavy "case load" of visits and calls on weekends during the period of the year when the House is in session, and regularly through the week when the House is not in session.

In Canadian Legislatures: The 1984 Comparative Study[17] the editors report on a survey they arranged through a professional polling firm to assess the attitudes of Canadians across the country to the parliament and legislatures in Canada. Some of the interesting results of that survey as reported were that a clear majority considered our system of government better than the system in the United States, yet nearly three out of four persons polled believed our system was in need of reform. Most believed in the importance of question period and 70% in reliance on the elected member as the best way to get help from government or information about public policy.

In their conclusions the editors note

> "In particular, Canadians would support changes resulting in the enhancement of the role of the Private Member ..."
>
> "Our data, for example, suggest strong public support for a greater reliance on legislators in dealing directly with the public ..."
>
> "By analogy, we can infer from our data public support for the critical scrutiny of government by legislators in parliamentary committees and task forces ..."

While these conclusions are based on a Canada-wide survey we believe they reflect the general concerns and interests of the people of Nova Scotia about the Legislature and our legislators. They do reflect a public reliance on the Member of the Legislature as a primary resource for dealing with problems of constituents. We would expect this reliance to increase.

While the dual role of the M.L.A., as legislator and as servant to constituents, does not always take all the time of every M.L.A., it would be a mistake not to recognize that it is for all Members a heavy responsibility to discharge, one that takes a great deal of time, often in the evenings and on weekends as well as during normal working hours. For all Members the time devoted to legislative and constituency service, and for Ministers to departmental, government and public service generally, would exceed greatly the hours expected of many people employed

full time in other occupations. A Member who today carries on with other responsibilities must work a very long day, and in all cases must have assistance if constituents' concerns are to be dealt with and the public business of the Province is not to be neglected. For all Members their service is their primary vocation and for many it is their only vocation and their principal or exclusive source of earnings or remuneration.

The level of remuneration and of support to the M.L.A. must be sufficient to allow the Member to devote the time and effort required to perform the duties expected of him. It should be adequate to permit persons without substantial private means to stand for election and to serve if elected and it should not result in significant financial hardship for those who serve. The principles relating to appropriate levels of remuneration and support set out in the report of an earlier Commission of Inquiry are attached in Appendix H, and we endorse these.

4. Support for Legislators in Other Provinces

The job of the M.L.A. is unlike any other trade or profession. Members must deal with an increasingly wide range of issues and concerns. The Member of the Assembly must act as legislator, negotiator, ombudsman, social worker, public relations officer and perform several other tasks at almost any hour of the day or night, often seven days a week and nearly 365 days a year. It is a role with no job security beyond the next election, with the Member's tenure of office subject to public endorsement or rejection at the polls every three or four years.

We believe the work cannot be compared to any other job, except that of legislators elsewhere. Thus, there is merit in comparing the role and remuneration of Nova Scotia M.L.A.'s to elected Members in similar roles in other provinces. Appendix G, Table G-2, sets out latest information on the basic indemnity and expense allowance of M.L.A.'s in the 10 provinces as well as the salaries of certain Members and Table G-3 is a summary of additional payments for service in the provincial legislatures as reported in 1985.[18]

So far as we can judge measures of workload,[19] such as sitting days, bills passed, size of constituency, number of constituents and committees of the House, it would appear that Nova Scotia Members have a workload comparable to other M.L.A.'s in most provinces in Canada, with the possible exception of Ontario and Quebec.

The basic statutory remuneration of the Nova Scotia M.L.A., that is, the indemnity and general expense allowance, is well below the average for provincial legislators in Canada. Indeed, only in Prince Edward Island and Newfoundland are Members paid less by way of indemnity and allowance, and in Newfoundland Members are paid an additional travel allowance depending on distance of their constituency from St. John's, in addition to reimbursement for travel for twelve trips per year.

When the average of payments made to Members in Nova Scotia for all committee service is added to the indemnity and allowance, the total remuneration would still be in the middle of the range of payment to Members in other provinces, and less than the indemnities and allowances (without considering additional payments) paid to Members in New Brunswick, Quebec, Ontario and British Columbia. In 1985 total remuneration for Members in Nova Scotia seems reasonably comparable with that paid to their counterparts in other provinces in Canada.

5. Some Indicators of Recent Economic Changes in Nova Scotia

Since the M.L.A.'s role cannot be compared directly with that of any other profession, trade or employment, direct comparisons of remuneration with other groups are inappropriate.

Yet the trend of changes in remuneration for others in the province may be useful in considering possible change for M.L.A.'s. In a number of other provinces and in the federal Parliament statutory provision is made for automatic annual change in remuneration for Members by formulae related to changes in provincial wages and salaries, or in public service salaries generally or in price or other indexes.

Some indicators of recent economic changes in Nova Scotia appear in Appendix G, Tables G-5 to G-7. We note that unionized wage settlements under collective agreements concluded in the first three quarters of 1985 in Nova Scotia ranged from 2.6% to 7.1% and that most settlements were in the range from 3.5% to 5.4%.[20]

The following table summarizes comparative changes in earnings of certain public sector groups from 1984 to 1985.

TABLE B

Comparison of Some Changes in Earnings, Public Sector, Nova Scotia[21]

	1984–85
Member's Indemnity	+4.5%
Allowance	+4.5%
Average of Fees paid for all Committees	-23.6%
Total Average remuneration	-1.8%
Minister's Salaries	+4.5%
Public Sector Salaries:	
Teachers	+7.99%(approx.)
Civil Service Management Group	+5.08%
Deputy Ministers	+3.97%
Provincial Judges	+5.26%

We note that, because of a significant decrease in payment of committee fees in 1985 with limitations on the number of committees for which service was remunerated and a reduction in the number of Select Committees, the total average remuneration of Members was less in 1985 than in 1984.

Another factor for comparison is the rate of inflation. As measured by changes in the Consumer Price Index for Canada, the inflation rate continued through 1985 at a level significantly below that prevailing in the early 1980's. As Appendix G, Table G-7 indicates the cumulative increase from December 1978 to September 1985 was about 67%. We note that over the same period this compares with increases in the indemnity and allowance for M.L.A.'s of about 54% and an increase in salaries of Ministers of 51% for the same period. The annual increase in CPI for Canada for the latest month reported, September 1985, was 5%, and for Halifax it was 4.4%.

In light of the various background considerations dealt with in this section of this report, we turn now to discussion of arrangements that we recommend should be made for indemnities, allowances and salaries for Members and for Ministers for 1985, and to some proposals that we believe warrant consideration. The recent history of basic indemnities, allowances and salaries paid to M.L.A.'s and salaried Members, since 1978, appears in Appendix G, Table G-1.

III. REMUNERATION FOR M.L.A.'S

The basic remuneration for an M.L.A. in Nova Scotia is now implemented by review and annual report by a Commission of Inquiry under the House of Assembly Act. Long-standing statutory provisions and practice have established basic remuneration composed of an annual indemnity and an annual allowance for expenses, the latter of which is not subject to income tax. The indemnity and allowance paid in 1985 are $20,280 and $10,140 respectively, or a total basic remuneration of $30,420.

This total basic remuneration of indemnity and allowance continues, as it has for some years, to be among the lowest paid in any province in Canada for legislators' service. Remuneration was higher in all provinces except Prince Edward Island and Newfoundland, aside from substantial travel allowance in the latter province.

However, as has been noted in reports of similar inquiries in 1982, 1983 and 1984, aside from the basic remuneration of the annual indemnity and allowance, Members in Nova Scotia have received remuneration for service on committees of the House. In practice the total remuneration for service of an M.L.A. in his constituency and as a Member of the House includes the annual indemnity, annual allowance, and the fees paid to the Member for service on House Committees.

It is therefore appropriate to take into account the remuneration for Members for service on committees of the House. It is difficult to compile comparative information on remuneration, whether by way of fees or allowances, paid to Members who serve on legislative committees in other provinces. In some provinces, Members are entitled to a fee or allowance for each day a committee sits, while in some other provinces, Members serving on a committee are only entitled to a fee or allowance for each day the committee sits outside the capital city or while the House is in recess. In some provincial legislatures

chairpersons and vice-chairpersons of standing or other committees are paid for their service. Information on the amounts paid for committee service in other provinces is not readily available.

The committee fee structure in Nova Scotia has been made public by publication of the Legislature Internal Economy Board regulations which are tabled in the House. These regulations have provided for a sum to be paid the chairperson and a lower sum to be paid to each member of a committee, be it a standing committee, select committee, special committee, or the Legislature Internal Economy Board itself. The fees vary from committee to committee, presumably reflecting an assessment of the comparatiave work load between committees. In recent years the regulations of the Board have limited the fees to be earned for service on standing committees to a total of three, and for select committees to a total of two. Some Members serve on more committees than the limits provide for and they are not paid for such additional service.

As noted in the report of the Commission of Inquiry concerned with these matters in 1984[22] the average fees paid to all Members for service on all committees was about $8,200 in 1983 and about $8,530 in 1984. The comparable average amount for committee fees paid to Members in Nova Scotia in 1985 was 6,473, or a rounded figure of $6,500.

In their reports previous Commissions of Inquiry have informally taken into account and have considered total remuneration as including the annual indemnity, annual allowance and committee fees. The level of indemnity and allowance had then been set based upon the established practice that Members would continue to be paid fees for service on committees.

In last year's report, the Commissioners proposed that an all party committee of the House consider[23]

> "... whether the existing arrangements for payment for service on committees ought to continue or whether they should be modified wholly or in part by measures such as a maximum limit of payments to any Member for service on all committees, or by per diem payments, or by replacing

> these arrangements with an additional indemnity or an allowance or a combination of indemnity and allowance for committee service, or by providing for payments only for committees which meet to do substantive work, or by payment for standing committees only after committees have submitted an annual report to the House on their activities."

It seemed clear to the Commissioners that the committee fee structure should be reviewed and reassessed, and that consideration of the remuneraton to a Member should take into account an amount paid for committee service.

During the course of public hearings this year, and in a number of meetings and interviews, the Commissioners were encouraged to establish a new remuneration base for payment of M.L.A.'s by integration of an amount for service on committees in the annual indemnity. In the public hearings, presentation in support of such a principle of integration was made by the Honourable Arthur R. Donahoe on behalf of the Special Committee on Rules and Procedures. That committee recommended[24] that separate payment for service on standing committees be eliminated and the indemnity be increased to include the average amount paid to Members for service on standing committees. In its submission at public hearings the New Democratic Party of Nova Scotia also supported the principle of incorporating fees for service on committees in the annual indemnity.

It appears to the Commissioners that at the least service of a Member on committees of the House while the House is sitting is an integral part of the role of an M.L.A., and that the basic remuneration base should reflect this. Standing Committees, which ordinarily meet while the House is in session, would generally fall within this principle. But by permission of the House, they may also meet when the Assembly is adjourned and Select and Special Committees and the Legislature Internal Economy Board generally meet when the House of Assembly is not sitting.

The work load of the various committees differs considerably and the practice of establishing a fee paid for appointment to a committee does not always reflect the comparative committee work load of Members.

Probably it never could for the work of many standing committees will depend from year to year on the issues that are of public importance. Then, too, the contribution and service of Members on committees may also vary for some Members will have greater responsibilities as chairpersons, and each Member's contribution will differ in part by reason of background and experience among them.

Brief comment is warranted about certain committees. Among Standing Committees the Law Amendments Committee in the House of Assembly plays a role probably unique in the legislatures of Canada. After second reading every public bill is referred to the Law Amendments Committee, which considers the bill in detail and hears any members of the public who wishes to comment on the bill. The Committee may propose amendments in the bill when it reports to the House and it assumes responsibility for ensuring that in form and content the bill is consistent with the public laws generally of the Province. The work of the Law Amendments Committee is onerous and exacting. In recent years it has sat at least fifteen days while the Assembly is in session. The Attorney General who chairs the Committee and those Members who serve with him are acknowledged by all of their colleagues in the House for the important and onerous task they undertake each year. The Private and Local Bills Committee, one of the Standing Committees, plays a similar role, though it is less demanding, in relation to all local and private bills.

Select Committees, appointed to consider particular matters of concern, generally meet when the House is not sitting and some of them continue for more than one year until their work is completed. Frequently Select Committees travel to various parts of the province and occasionally their work requires them to meet outside the province.

Finally, the Legislature Internal Economy Board, established under the Public Service Act, is technically not a Committee of the House itself but rather is a statutory body responsible for all aspects of the administration of the House. It generally meets when the House is not sitting. In recent years its work has increased in complexity and this will probably continue. The role of private Members is expanding, the

administration of arrangements to support Members and the work of the House itself is complex and there may be further changes as a result of the work of the Special Committee on Rules and Procedures which is reviewing many aspects of the arrangements for private Members and for the Legislature.

The Commissioners believe that much of the criticism of the arrangements for committees and for fees for service on them does not take into account the important role of some committees or the onerous work undertaken by some Members engaged in these committees, in addition to their service to constituents, their role within the House and their continuing concern and responsibility for public policy generally. Criticism of the system that has prevailed in recent years has generated scepticism and a sense by some that Members are receiving committee fees as an unearned "extra" payment.

A change in arrangements for payment for committee service seems timely. It will improve public understanding and perceptions about the general remuneration of M.L.A.'s. The Commissioners believe that provided a Member is appropriately paid in recognition of the general responsibilities of an M.L.A., the principal "reward" for his or her service on committees will be the satisfaction of the Member and the perception of constituents and the general public of the contribution made to the public life of the province. We conclude that, despite substantial variation in the workload of Committees, for 1986 any adjustment of the indemnity to include service on committees, at least those meeting when the House is sitting, should reflect service on all committees, whether they be Standing, Select or Special committees, and also service on the Legislature Internal Economy Board.

On the other hand, it must be recognized that certain committee service is above and beyond the basic service expected of an M.L.A. For example, if a committee sits on a day when the House is not sitting, or sits outside the provincial capital, it would be appropriate for a Member to receive a reasonable per diem as is provided for in most other provinces. We believe that payment for this extra form of service is warranted and would generally meet with public acceptance, since it payment for additional services actually rendered.

The Commissioners therefore recommend

R-1 *For the year 1986, there be no indemnity, allowance, salary or fee paid to any Member for service on a committee of the House, or the Legislature Internal Economy Board, or attendance at meetings of any committee of the House or Board, except for a per diem of $100.00 to be paid to each member of a Committee or the Legislature Internal Economy Board for attendance at meetings of the Committee or the Board held on days when the House of Assembly is not sitting, or held outside the Halifax-Dartmouth metropolitan area.*

We recognize that the change we have recommended will require adjustment on the part of some Members and that it may not prove to be appropriate for long. The Special Committee on Rules and Procedures may recommend revision of the existing committee system which would warrant review of arrangements for committee service. Our recommended changes may not fully take account of the work of the Law Amendments Committee or of the Legislature Internal Economy Board and they clearly do not take account of the special responsibilities of chairpersons of committees as is done in a number of provincial legislatures where additional payments are provided for such service.

The Commissioners therefore propose that

P-1 *the Special Committee on Rules and Procedures consider further the appropriateness of arrangements now recommended for integration of general average fees for committee service with the annual indemnity with special reference to the particular repsonsibilities of the Law Amendments Committee, the Legislature Internal Economy Board and the chairpersons of committees.*

With the termination of the existing committee fee structure, and with the integration of the annual indemnity and committee fees, an amount to "roll into" the annual indemnity to replace the committee fees must be determined. It should be the same amount for each Member. The average of all committee fees earned by Members in 1985 was $6,473, or nearly $6,500. We propose that the rounded average of $6,500 be considered for incorporation with the indemnity for 1985 to establish the revised base for the indemnity, hereafter referred to as the integrated annual indemnity.

The following table documents the indemnity, allowance, and average of all fees for standing committees and fees for all committees paid to Members from 1983 to 1985. It also documents, for comparative purposes, what the integrated annual indemnity (indemnity and average of all committee fees) would have been, and what the total average remuneration would have been. We note that the total average remuneration for 1985 was less than in 1984 and only modestly more than in 1983.

Table C

Payments to Members of Indemnities, Allowances and Average of all Committee Fees, 1983-85[25]

	1983	1984	1985
a. Indemnity	$18,656	$19,400	$20,280
b. Average of Standing Committee fees	4,800	4,950	4,450
c. Average of all Committee Fees (incl. Standing Ctees)	8,300	8,500	6,500
d. Integrated Annual Indemnity (a. + c.)	26,956	27,900	26,780
e. Allowance	9,328	9,700	10,140
f. Total Average Remuneration (d. + e.)	36,284	37,600	36,920

We turn to consideration of the remuneration to be paid to an M.L.A. in 1986 in terms of the integrated annual indemnity as outlined. We caution that the effect of this integration and establishment of a new remuneration base does not mean an increase in the average of remuneration paid to M.L.A.'s. The integrated annual indemnity simply takes into account the average of all committee fees actually paid to Members from 1983 to 1985 together with their statutory indemnity.

The Commissioners conclude that the total remuneration paid to Members under existing arrangements in 1985 is reasonably comparable with the total remuneration in other provinces.[26] In New Brunswick, Quebec, Ontario and British Columbia, the total of indemnity and allowance exceeds the total average remuneration of Members in Nova Scotia. We note also that in some provinces additional payments are made to Members for functions within the Legislature that are not made to Members with similar functions in Nova Scotia.[27]

When one takes into account the role and responsibilities of an M.L.A., the total remuneraton also seems reasonable, indeed modest, when compared with average salaries of selected public sector groups. Again in 1985, as in 1984, the total remuneration of a Member of the Assembly is very considerably less than the average salaries paid to Deputy Ministers and Provincial Judges, less than the average salary of the Civil Service Management Group, less then the average salary of teachers.[28]

In considering the current remuneration for M.L.A.'s, we note that changes in the level of the annual indemnity and the annual allowance for expenses since 1978 have not kept pace with changes in public sector salaries in Nova Scotia or with increases in the Consumer Price Index. The increase in indemnities, allowances and salaries in 1985 was slightly less than 4.5% in total. However, this is a time of continuing restraint in both the public and private sectors of the province. It is our considered view that any increase in the integrated annual indemnity and allowance for expenses in 1986 should be modest and limited to two percent.

We recommend

R-2 *For the year 1986, a Member of the House of Assembly be paid an annual indemnity of $27,315 and an annual allowance for expenses of $10,340.*

These would compare with the integrated annual indemnity in 1985 of $26,780 and the annual allowance for expenses in 1985 of $10,140. We note also that the rates recommended for 1986 would result in a total remuneration for a Member of $37,655 that would compare with the total average remuneration (indemnity, allowance and average of all committee fees) paid to Members in 1984 of $37,600, and in 1985 of $36,920. In dollar terms over the three years our recommendation for 1986 results in an increase which is insignificant.

IV. SUPPORT, SERVICES AND FACILITIES FOR THE WORK OF PRIVATE MEMBERS AND OF CAUCUS OFFICES

The House of Assembly Act authorizes the Legislature Internal Economy Board to make regulations which provide support to Members for work in both their constituencies and Halifax. A number of regulations have been made by the Board to provide a measure of support. Administration for the payments to Members presently falls under the jurisdiction of the Board and is handled on a daily basis by the administration staff of the Speaker's office.

Insofar as the support provided is to ensure services for Members or to meet expenses incurred in the discharge of their responsibilities, the Commissioners conclude these matters do not clearly fall within "indemnities, allowances and salaries" about which we might make recommendations that would be implemented. However, because the present level of support may require many Members to pay for certain expenses out of their own remuneration in order to fully discharge their role as elected representatives, we have no hesitation in advancing proposals for consideration.

The support presently provided to Members in 1985 has remained at the same level as provided in 1984. A summary appears on pages 16 and 17 of last year's report as follows:

> "The M.L.A. is now supported for work in and service to the constituency by a monthly allowance of $260 and up to an equivalent sum for expenses actually incurred for office space, equipment, meeting places and secretarial services within the constituency. The Member is also provided an annual allowance for postage of $2,175 and another for travel of $1,660 within the constituency. The existing support for work within the constituency does not enable a Member to operate a full-time constituency office unless the costs are substantially borne from the Member's own resources. Some Members have an "office" within their own house (for which they cannot claim expense) while others have found office space outside their homes. Some Members have been able to hire part-time secretarial assistance within the constituency allowances.

> It should be noted that Members from rural areas may still have several telephone exchanges within their constituencies and they may have numerous calls with long distances charges. For some Members this may amount to a few hundred dollars a month. Reimbursement for telephone expenses on presentation of invoices may present difficulty and a general allowance for work in the constituency is warranted for matters of this sort. Travel, telephone and similar expenses may be higher in constituencies outside the Halifax area, particularly those in the rural part of the province.
>
> In addition to support for work in the constituency, "outside Members" residing more than 25 miles from Halifax are reimbursed for travel expenses for up to 52 trips per year between their constituency and Halifax whether the House is in session or in recess. This is essential for Members residing outside the capital frequently find it necessary to travel to Halifax even when the House is recessed in order to attend to matters on behalf of their constituents. While an outside Member is in Halifax on official business, he or she is entitled to a daily expense allowance of $50 and up to $50 for actual expenses incurred for accommodation. A Member from the Halifax-Dartmouth area is also entitled to an expense allowance of $35 each day that the House is in session."

In the past, there has been public discussion regarding the administration of expenses for Members. As well, the Commissioners proposed in last year's report that the Legislature Internal Economy Board consider which of the measures for support, services and facilities of private Members are appropriately extended to Members of the Executive Council. As noted previously in this report these issues have been dealt with by Regulations and Guidelines approved by the Board, and a policy statement of the Management Board. These issues need no further discussion.

In last year's report, the Commissioners also proposed that the Legislature Internal Economy Board, together with an all party committee, review the arrangements for support, services and facilities for Members. A review was made by the Special Committee on Rules and Procedures, and the minutes of its meeting on October 23, 1985, presented to this Inquiry, have brought to the attention of the Commissioners

> "Section 30 of the Regulations made by the Legislature Internal Economy Board is inadequate in respect of the amount authorized for reimbursement for constituency expenses. An example of such an expense is the case of a Member who has several telephone exchanges in his constituency and must incur substantial long distance charges to deal with problems raised by constituents."

Others with whom we have met have repeatedly indicated that the present level of support is not adequate for many Members to fully reimburse them for expenses incurred pertaining to travel, telephone, constituency office rental, part-time staff and related expenses. While it appears that existing demands of constituents upon a Member in Nova Scotia would not ordinarily require a full-time assistant or secretary, it is the opinion of the Commissioners that there should be a sufficient level of support made available for each Member to enable the Member to provide service for constituents with limited office facilities and part-time secretarial assistance. The costs of rental and salary may vary considerably between continuencies.

Much of the service and work which an M.L.A. is able to provide for his or her constituents requires the use of telephones. Long distance charges incurred by Members within large rural constituencies with several exchanges, may be significant. For those constituencies outside the capital area, long distance costs are routinely incurred by Members between their constituencies and the capital. Obviously, these telephone costs vary significantly depending upon the location of the constituency.

A Member serving a large rural constituency must frequently travel long distances for meetings and interviews. The amount of travel which is required within a constituency depends on the nature and size of the constituency itself.

The modest increase in the postal allowance from 1983 to 1985 ($2,100 to $2,175) does not take into account the increase in postal rates of 13% over the same period of time. Some constituencies, particularly those with mobile and concentrated populations, may require greater use of the postal service than others.

The Commissioners propose that

P-2 *The Legislature Internal Economy Board review the existing arrangement for support, services and facilities of private Members in their constituencies and while in attendance in Halifax and give consideration to the following suggestions to ensure that reasonable expenses actually incurred by private Members in the discharge of their responsibilities are reimbursable, and that services and facilities are appropriate to support their work:*

(a) *that Legislature Internal Economy Board Regulation 30(1) be reviewed to provide that each Member of the House be entitled to receive the sum of $300 per month in lieu of expenses incurred on account of services to that Member's constituency, and a further sum not exceeding $350 per month for expenses accounted for by proper receipt and incurred in services in that Member's constituency for the provision of office space, meeting places, equipment, telephone (including long distance charges within the constituency and between the constituency and Halifax), telephone answering services, advertising and secretarial services. Further, for an "outside Member" whose costs for long distance calls within the constituency or between the constituency and Halifax are not met within the limit of the latter allowance, provision be made for reimbursement of these costs on presentation of proper accounts.*

(b) *that Legislature Internal Economy Board Regulation 29 be reviewed to provide that each Member of the House, other than one who operates a government owned or leased vehicle, be entitled to receive either $1,700 in lieu of expenses incurred on account of travel within the Member's constituency, or a sum not exceeding $4,000 for automobile travel within the Member's constituency when accounted for by proper travel report at the same rate as applies to public servants generally;*

(c) that Legislature Internal Economy Board Regulation 5 be reviewed so that at least it reflects increases in postal rates, and consideration be given, perhaps by the Special Committee on Rules and Procedures or by the Board, to introduction of variable allowances in lieu of postage that at least in part reflect the number of households in a constituency.

There is provision for payment to the Caucus Office of each party, for support services for that office, by Regulation of the Board. The support, paid monthly, in 1985 was based upon payment of an amount equal to the number of members of that caucus multiplied by $255. In addition, secretarial assistance is provided to private Members through the Caucus Office of each recognized party in an amount determined by multiplying the number of private Members in the caucus by $6,000, in no case to be less than $15,000. There is further provision for secretarial assistance to the chairman of the Government Caucus and the chairman of the Caucus of the Official Opposition.

It has been suggested to the Commissioners that the current formula provides an inadequate amount for the Caucus Office of the Official Opposition when it has a small number of Members in the House. It has also been suggested that certain members of caucus may have need to travel within the province, other than between Halifax and their constituencies, on caucus related business and that there should be provision for reimbursement of travel expenses incurred. The Commissioners believe that increased support for both these purposes is warranted and would aid private Members in discharging their responsibilities to constituents and to the political process of the Province.

The Commissioners propose

P-3 *The Special Committee on Rules and Procedures give consideration to the existing provisions for the support services for each Caucus Office as is provided under regulations of the Legislature Internal Economy Board, and also to the payment of reasonable travel expenses for a limited number of Members on a limited number of trips within the province on assignment by each Caucus Office and, if appropriate, the Committee make recommendations to the Legislature Internal Economy Board.*

V. SUPPORT FOR LEADERS OF OPPOSITION PARTIES

The House of Assembly Act provides that the Leader of the Opposition is to have the benefit of office facilities, equipment, secretaries, a director of research, research assistants and senior assistant. The Legislature Internal Economy Board, by regulation, provides for reimbursement of travel and related expenses of the Leader of the Official Opposition. The regulations further allow that if the Leader of the Official Opposition is an outside Member, he is to receive an allowance equivalent to that provided to a Minister for living expenses within the City of Halifax. Additionally, the Leader of the Official Opposition is entitled to a leased motor vehicle on the same basis as a Minister.

The House of Assembly Act specifies that the Leader of a recognized party is to be provided with office facilities, a secretary, a research assistant, and a senior assistant. The regulations of the Board also make provision for reimbursement of travel and related expenses of the Leader of a recognized party. Such a "Leader of a recognized party" is defined in s.43B as "the Leader in the House of any party represented by two or more members other than the Premier or the Leader of the Opposition whose party was a "recognized party" in accordance with the Elections Act and had candidates standing for election for three-quarters of the seats of members in the House and whose party received ten percent or more of the votes officially recorded in the latest general election of members of the House."

In the 54th Assembly, the Member for Cape Breton Nova is the leader of a political party, but does not meet the definition of the leader of a recognized party under the House of Assembly Act. Consequently, the Legislature Internal Economy Board has, by regulation, made provision for limited office space, secretarial assistance, furniture, telephone, equipment, postage and long distance telephone charges. It has been suggested to the Commissioners that the leader of a party which is an official party under the Elections Act, but who is not a leader of

a recognized party under the House of Assembly Act, should be paid and should be provided with support to the level of one-half of a leader of a recognized party. However, we have no recommendation or proposal to make regarding this matter and we expect that reasonable arrangements for support of any such leader, as in the case of the Leader of the Opposition and the Leader of a recognized party, will be continued by the Board.

VI. SALARIES OF MEMBERS HOLDING OFFICE AND EXPENSES OF MEMBERS OF THE EXECUTIVE COUNCIL

This section of the report pertains to remuneration and expenses for those who hold office pursuant to the Executive Council Act and to remuneration for those who hold office in the House of Assembly.

The Premier and Ministers of the Crown (including those without portfolio) are paid a salary for their offices in accordance with the Executive Council Act. The House of Assembly Act provides an annual salary for the Speaker, Deputy Speaker, Leader of the Opposition and the leader of a recognized party (other than the Premier or Leader of the Opposition). The recent history of salaries for these offices is traced in the reports of earlier Inquiries of this nature. The summary record of salaries paid for these offices in recent years appears in Table D below.

Table D

SUMMARY RECORD OF SALARIES PAID TO DESIGNATED OFFICE HOLDERS 1979 - 1985

	1979-82	1983	1984	1985
Premier	$32,000	$37,630	$39,100	$40,860
Minister with Department	25,000	29,150	30,300	31,670
Minister without Portfolio	Up to 25,000	Up to 29,150	Up to 30,300	Up to 31,670
Speaker	15,000	29,150	30,300	31,670
Deputy Speaker	7,500	14,575	15,150	15,835
Leader of the Opposition	25,000	29,150	30,300	31,670
Leader of recognized party	10,000	(14,575)*	(15,150)*	15,835

*There was no leader of a "recognized party" in 1983 or 1984

The total remuneration comprised of a Member's indemnity and allowance and the salary for office of the Premier and for Ministers is lower in Nova Scotia than in at least four other provinces. The same is true for remuneration of the Opposition Leader, and the leader of a recognized party (where provision is made for this office). The pattern of remuneration for the offices of Speaker and Deputy Speaker varies somewhat more, but the relationship of those offices one to another and of the office of Speaker to that of a Minister having charge of a department, as reflected in salary arrangements in Nova Scotia since 1983, seems appropriate to the Commissioners.

Those holding these offices, and in particular the office of Premier or Minister of a major department, are faced with serious responsibilities and a heavy workload on an on-going basis. These officers, who in most cases could undoubtedly earn more in private life, must make a total commitment to the province during their tenure. This generally means interruption in their personal careers and often disruption for their families. When compared with salaries of senior executives in the private sector, or even in the public sector, the present level of remuneration does not adequately provide those who hold these important public offices in the province. Yet in a time of government restraint it is not possible to expect increments that will allow for more appropriate remuneration.

As we have previously noted, salaries for offices held by some other Members of the Assembly are established by the Legislature Internal Economy Board: namely, for the House Leader ($5,000 per annum), Deputy House Leader ($3,000 per annum), House Leader of the Official Opposition ($2,000 per annum), Whip of each Party ($85 per Member in the House), and Caucus Chairman of each Party ($85 per Member in the House). These salary amounts were in effect for 1983, 1984, and again were not changed in 1985. The Commissioners believe that modest increment in these salaries comparable to other salary changes recommended, while warranted, would be insignificant, and we therefore propose that they not be changed.

We recommend that salaries for the several officers be increased by about two percent and be established as follows

R-3 *For 1986 the salary of the Premier, under the Executive Council Act, be $41,675.*

R-4 *For 1986 the salary of a Minister having charge of a Department, under the Executive Council Act, be $32,300.*

R-5 *For 1986 the maximum possible salary for a Minister without portfolio, under the Executive Council Act, be $32,300.*

R-6 *For 1986 the salary of the Speaker, under the House of Assembly Act, be $32,300.*

R-7 *For 1986 the salary of the Deputy Speaker, under the House of Assembly Act, be $16,150.*

R-8 *For 1986 the salary for the Leader of the Opposition, under the House of Assembly Act, be $32,300 and for the Leader of a recognized party, under the House of Assembly Act, be $16,150.*

For other salaried Members for whom salaries or payments for offices are provided under regulation, we recommend

R-9 *For 1986 the salary established by regulation of the Legislature Internal Economy Board for the House Leader, for the Deputy House Leader, for the House Leader of the Official Opposition, for the Whip of each Party, and for the Caucus Chairperson of each Party, in each case, be the same as in 1985.*

In accordance with section 6 of the Executive Council Act, all members of the Executive Council are entitled to payment to indemnify them for reasonable expenses incurred for travelling or otherwise in the discharge of official duties. The Premier has been entitled to a representation allowance of $3,500 in 1985 to cover additional miscellaneous expenses that the person holding the office of the First Minister in the province incurs in the discharge of his duties. We propose

P-4 *The representation allowance of the Premier be reviewed and be increased to a level up to $4,000 for 1986 in recognition of the expenses incurred personally by the Premier in discharge of duties of his office.*

All those members of the Executive Council who are outside Members as defined in the House of Assembly Act, are entitled to an amount to reimburse them for travelling expenses between Halifax and the constituency and for actual expenses incurred as a result of being in Halifax while a member of the Council. One of the more important allowances provided for Ministers who are "outside Members" is an allowance for rental of accommodations in Halifax, in recognition of the fact that in most cases their service to the Province requires them to have a second residence. In 1985 up to $9,000 could be recovered for costs incurred for accommodation in Halifax by these Ministers. We believe this allowance should permit recovery of rental costs incurred for reasonable accommodations.

No one expects Ministers to serve without appropriate reimbursement for reasonable expenses incurred by reason of their office, including travelling expenses and costs for reasonable accommodation in Halifax.

The Commissioners propose

P-5 *The allowance for Ministers who are "outside Members" of the House of Assembly Act for rental of living accommodations in Halifax be reviewed and then established to permit reimbursement of actual expenses incurred for reasonable accommodations.*

VII. SALARIES FOR OFFICERS OF THE HOUSE

The House of Assembly Act, in Part VII, designates four Officers of the House of Assembly. These officers are the Chief Clerk, Assistant Clerk, Legislative Counsel and Sergeant-at-Arms. The Chief Clerk, Assistant Clerk and Legislative Counsel are designated by the Act as appointees of the Governor in Council and under the Public Service Act the Sergeant-at-Arms is appointed by the House.

The salaries for all of these officers are presently prescribed by regulation of the Legislature Internal Economy Board.

In the case of the Legislative Counsel, historically the salary for this officer was fixed by Governor in Council. Following the report of the Inquiry Commission of 1983, an Order in Council was passed enabling the salary of this officer to be set by the Legislature Internal Economy Board. In last year's report we urged that the Legislative Counsel warrants salary classification with that of the most senior group of Deputies and it is our understanding that this is presently the case. We would expect that the Board will continue with this practice in 1986.

With regard to the other officers, subsection 43(3) of the House of Assembly Act provides these salaries to be set by regulation of the Board and the regulation provides that for 1985 the salary of the Chief Clerk is $32,604, for the Assistant Clerk is $27,170 and for the Sergeant-at-Arms is $17,389.

In line with our general recommendations for salary increments, the Commissioners propose that

P-6 *The salaries of the Chief Clerk, the Assistant Clerk and the Sergeant-at-Arms be reviewed by the Legislature Internal Economy Board and set for 1986 at a level about two percent above that established for 1985.*

The House of Assembly Act provides for reimbursement to Officers of the House, as may be authorized by the Speaker or other member of the Legislature Internal Economy Board, to indemnify them for reasonable expenses of travel, accommodation or otherwise incurred while absent from their ordinary place of residence in connection with business of the House or of the Province. In the report of this Commission last year it was noted[29]

> "It is perhaps a carry-over from earlier days that regulations of the Legislature Internal Economy Board have continued to provide relatively modest allowances for the Chief Clerk and the Assistant Clerk on account of telephone and postage expenses. The appropriateness of such allowances may now be questionable; in the view of the Commissioners they should not be increased for 1985."

We again question the need for such allowances and suggest the Board review the appropriateness of these allowances for 1986.

VIII. ARRANGEMENTS FOR ADMINISTRATION

In the report of the Commissioners in 1984[30] comment was made about the importance of review of the arrangements for administration of the House of Assembly, committee fees and expenses.

It was proposed that there be consideration of the advisasbility of appointing a person responsible to the Legislature Internal Economy Board, reporting to the Speaker as Chairman of the Board for implementing and administering all financial matters pertaining to Members and operations of the House.

It was also proposed that there be an all party Committee of the House to consider a range of matters of concern to Members generally and a number of suggestions were made of matters that might be considered by such a Committee. The Special Committee on Rules and Procedures constituted by the House on March 18, 1985, has even broader terms of reference than were proposed in the report of 1984. We would expect that over time this Committee will make an important contribution to the evolution of the House and the work of Members. In many legislatures the role of the private member is being reassessed and extended and it is being facilitated by modern technology and communications systems, matters which may well be of concern to the Special Committee.

It was finally proposed that the Speaker as Chairman of the Legislature Internal Economy Board cause to be tabled in the House all regulations of the Board that provide for payments to or services and support for expenses of Members, and we note that this has been done. We would expect this to be continued as a regular practice.

IX. ALLOWANCES UNDER THE MEMBERS' RETIRING ALLOWANCES ACT AND BENEFIT PROGRAMMES FOR MEMBERS

1. Retiring Allowances

The Members' Retiring Allowances Act[31] establishes a pension account for Members of the Legislative Assembly. Members contribute and government makes an equal contribution and credits interest on the balance in the account from time to time. If at any time the account is insufficient to make payments provided under the Act, the account is then to be credited with sufficient funds for this purpose from the Consolidated Fund of the province.

A number of changes were made in the Act early in the 1980's. The following summary, taken mainly from the report of a similar Inquiry in 1983, describes the arrangements that now prevail for existing Members. Note that not all of the arrangements outlined would apply to the service by existing Members for years prior to 1982.

Eligibility for an allowance - A Member must contribute to the account and must have served in two General Assemblies for five years or more, must have attained age 55 and ceased to be a Member, or ceased to be a Member and be totally disabled, or must have died in which case an allowance is payable to a surviving spouse and dependant children.

By regulation a person otherwise qualified for an allowance but who has not reached the age of 55 years may elect to take an actuarily reduced pension at an earlier age than 55 years.

Contribution by a Member - A Member contributes at the rate of 8% of the indemnity and annual allowance for expenses paid to him, and salaried Members and Ministers contribute 8% of the salary paid to them for their office.

Years of Contribution and Benefits - The maximum years of contribution to the plan are 15 years and for Members benefits accumulate, for each year of contribution and service, at the rate of 5% of the average annual indemnity and expense allowance during the last three years of service. The maximum benefit cannot exceed 75% of the average annual indemnity and expense allowance during the last three years of service. Salaried Members and Ministers are entitled to additional allowances accumulating at the same rate (5%) of the average salary payment for the three highest years of salaried service (or if salaried service is less than three years, then the average is that of the actual years served).

Benefits and the Impact of Inflation - By regulation made under the Members' Retiring Allowances Act allowances paid have been increased in recent years by applying the same indexing factor as has been applied to pensions payable under the Public Service Superannuation Act. Thus former Members or their dependants paid an allowance have the benefit of these arrangements to offset, in part at least, the impact of inflation on the benefits paid. As a result of the recommendation in the report of a similar Inquiry in 1983 arrangements similar to these were also applied by regulation to those entitled to a deferred allowance, so that the deferred allowance increases in the same way as allowances being paid.

Survivors Benefits - Where a Member dies in office or a former Member entitled to an allowance dies, his or her surviving spouse is entitled to 50% of the allowance payable to the deceased and for each dependant child this ratio is increased by 10% to a maximum of 90% of the allowance.

It is common practice in all legislative jurisdictions in Canada to provide for retiring allowances for former members of the legislature and additional allowances for those who have served in salaried offices, for example, the Premier or Prime Minister, Ministers, the Speaker, the

Leader of the Opposition. These plans reflect the need to provide adequately for those who have served in elected office, often during their most productive years, usually, as in the case of most ministers, at the price of foregoing other career opportunities, and generally, once elected, dependant upon the will of the electorate more than on the individual's decision for continuance in elected office.

Arrangements do differ somewhat from one legislative jurisdiction to another, most particularly in relation to

1) the contribution rate of Members - from nothing in the Yukon and Northwest Territories to 11% in the case of the Parliament of Canada;

2) the component of remuneration on which the allowance and contributions are based - in the case of five Legislatures it is the indemnity only, and in the case of five others, including Nova Scotia, it is the indemnity and general allowance;

3) the age at which one qualifies for an allowance, having ceased to be a Member - with no minimum age required for those who have contributed for the minimum required period in the case of the Parliament of Canada (after six years' service), Quebec for those elected prior to 1983 (after five years' service), and New Brunswick (after 10 years' service); a combination of age and years of service totalling 55 (Ontario, Manitoba), or totalling 60 (Newfoundland, British Columbia); a minimum age of 50 (Prince Edward Island); of 55 (Alberta, Saskatchewan, Nova Scotia, the Yukon and Northwest Territories); or of 60 years (Quebec for those elected after 1982);

4) the annual rate of accumulation of the allowance and the maximum ratio of allowance to remuneration - here a number of other jurisdictions are comparable to Nova Scotia at a rate of 5% for each year of service for a maximum ratio of 75% of remuneration paid before retirement; in some provinces the rate of accumulation and the maximum ratio of allowance to remuneration are different.

5) arrangements for a surviving spouse and dependant children - the arrangements in Nova Scotia for payment to a surviving spouse of 50% of the allowance to which a deceased former Member would have been entitled is among the lowest survivor's allowance, and 10% of the allowance on account of dependant children is generally comparable to that where provision is made for them.

Matters considered by the Commissioners, and about which we had views expressed, related to four aspects of retiring allowances. Two of these were raised with the Commissioners appointed to consider these matters in 1984 and reference was made in their 1984[32] report to:

a) the minimum age for eligibility for an allowance, and

b) the benefits available to a surviving spouse and to dependant children of a deceased former Member entitled to an allowance.

In the 1984 report it was proposed that these matters be given further study under arrangements to be made by the Minister of Finance who is responsible for administration of the Members' Retiring Allowances Account and for payment of allowances. We understand that further study of these matters has been initiated but is not yet completed.

This year, 1985, as Commissioners, we are prepared to recommend that arrangements be revised for an allowance for surviving spouse and dependant children of a deceased former Member entitled to an allowance. Most Canadian legislatures' plans for retiring allowances now provide that a surviving spouse be entitled to 60% of the deceased former member's allowance. British Columbia has recently provided that it be the same as the deceased's allowance entitlement, two jurisdictions provide optional survivor's annuity arrangements, and only New Brunswick, Nova Scotia and Prince Edward Island provide for a surviving spouse's allowance at 50% of the deceased's entitlement. Survivor's benefits are a major concern in pension reform in Canada especially where the

surviving spouse is a widow. The Commissioners acknowledge that a married Member's service as a legislator or as a member of the Executive Council is generally heavily dependant upon the support of the Member's spouse and that service as a legislator is often a family affair. It undoubtedly affects the family's life. We believe a surviving spouse of a deceased former Member entitled to an allowance should have an allowance that is improved over that now provided, and if this were done the arrangements for surviving dependant children should be revised.

We recommend that

R-10 *Section 9 of the Members' Retiring Allowances Act be amended to provide that an allowance to a surviving spouse of a deceased former Member entitled to an allowance be seventy-five percent of the allowance that would have been payable to the deceased and that for each surviving dependant child an allowance be five percent to a maximum of twenty percent of the allowance that would have been payable to the deceased. Where the deceased leaves no surviving spouse, or the surviving spouse dies, the allowance payable in respect of surviving dependant children should continue to be equivalent to that payable to a surviving spouse, i.e., seventy-five percent of the allowance to which the deceased was entitled.*

Two other matters considered by the Commissioners both would necessitate separate treatment of allowances paid on account of service as a Member and allowances paid on account of service in a salaried office. These are:

1) whether the rate of accumulation of pension benefits for service in a salaried office, as Premier, Minister, Speaker, Leader of the Opposition and so on, might be greater than it now is, say at a rate of seven and one-half percent compared with five percent as it is now, perhaps with an increased contribution

rate for salaried Members, in recognition that the responsibilities of most salaried Members preclude any other career opportunity and that few remain in a salaried office for as long as fifteen years now required for a full allowance.

2) whether entitlement to an allowance as a former salaried Member might be independant of entitlement as a Member so that a salaried Member who has left salaried office but remains a Member of the House, who is otherwise qualified for an allowance, might draw an allowance related to prior service in salaried office.

The Commissioners believe these matters and the matter of the age for eligibility of an allowance warrant further study. We note that provision is made in the Public Service Act for action by the Lieutenant Governor in Council to provide for early retirement of groups or of members of groups within the public service with funds to come from the Consolidated Fund. Special arrangements for pensions are also provided under the Provincial Judges Act. Recently a general plan for early retirement at full pension has been developed for the public service, and further changes in general pension arrangements may be considered in light of the Canada-wide concern for pension reform. We submit that important reforms of the Members' Retiring Allowances Act should be considered.

Changes might require variation in the current level of contribution or they might appropriately be funded from the Consolidated Fund of the province. We regret that in the time available to the Commissioners we did not reach conclusions on these matters. However, we propose further study of these under arrangements to be made by the Minister of Finance, study with which the Commissioners would be prepared to assist if that is desirable, in order that the Commissioners to be appointed in 1986 under current legislation would have considered advice on these matters.

The Commissioners propose that

P-7 *In the continuing review, under the Minister of Finance, of the Members Retiring Allowances Account and the implications for funding the account, whether from the Consolidated Fund of the province or from increased contributions by Members, consideration be given to*

a) reduction of the age of eligibility for an allowance perhaps by permitting an allowance for former Members whose age and years of service and contribution equal 60;

b) separate treatment of allowances payable to former salaried Members, i.e., the Premier, Ministers, the Speaker, Leader of the Opposition and others, apart from allowances payable to them as Members,

i) to provide a rate of accumulation of pension benefits for years of salaried office at a higher rate than now, and

ii) to provide an allowance in relation to service in salaried office to be payable independently from an allowance as a former Member, even where a former salaried Member, having left salaried office when otherwise qualified for an allowance, continues as a Member of the House of Assembly.

2. Other Benefit Programmes

Two major benefit programmes provided for the public service have been made available to Members.

Thus the medical plan for the public service has been made available to Members on the same basis as for public servants and so has the basic group life programme. In the latter, however, we understand that the optional coverage that may be arranged by a Member at his expense does not now provide for insurance coverage of more than the annual indemnity. It ought to provide for coverage of the total remuneration of a Member including the annual allowance for expenses.

A third programme, introduced for public servants in the fall of 1985 provides for insurance related to annual earnings in the event of long term disability. We believe this programme should be available to Members and that in their case it should provide for insurance relating to the total remuneration of a Member including the indemnity and the annual allowance for expenses.

The Commissioners propose that

P-8 *In the case of optional extended group life insurance available to Members provision be made to permit insurance coverage of the total remuneration of a Member including the annual indemnity and the annual allowance for expenses; and*

P-9 *Arrangements be made for Members to participate in the long term disability insurance programme now available to public servants and that these arrangements provide for insurance relating to the total remuneration of a Member including the annual indemnity and the annual allowance for expenses.*

X. CONCLUSION

In the course of our Inquiry a variety of matters were brought to the attention of the Commissioners: not all of these have been dealt with or recorded in this report. We do record our gratitude to the many who assisted us by oral or written submissions or by giving Commissioners the benefit of considered opinions on matters relevant to this Inquiry.[33]

The recommendations made in this report for integration of the average of all fees paid for service on committees and on the Legislature Internal Economy Board with the annual indemnity, to provide an integrated annual indemnity as we have called it, mark a change in long standing practices. We have urged that these arrangements be further studied by the Special Committee on Rules and Procedures, to ensure that they do not prove inappropriate for the services rendered by some Members, especially those who serve as chairpersons of committees, or as members of the Law Amendments Committee or the Legislature Internal Economy Board.

The recommendations made in this report for increases in the integrated annual indemnity, in allowances and in salaries for Members of the House and for Ministers are modest. After increases of slightly less than 4 percent for 1983 and 4.5 percent for 1985 we have now recommended a 2 percent increase. We note again that with the change in payments for committee service now recommended the total remuneration payable to a Member for 1986 will be insignificantly higher than the total average remuneration paid in 1984.

We do expect that the change in arrangements for 1986 will facilitate clearer understanding of the remuneration paid to Members and, together with the publication of regulations of the Board providing for support and services for Members, that better understanding will serve to dispel unwarranted perceptions. In turn this should serve the public interest.

We would expect the Special Committee on Rules and Procedures to continue its review of arrangements for Members and for the House and that many of its recommendations for services and support for the work of Members can be implemented by the Legislature Internal Economy Board at the time this seems appropriate.

In our view it is in the interests of the province and of the system of parliamentary democracy serving Nova Scotia that reasonable arrangements for support of the work of Members and of Ministers be settled, and that as these are settled from time to time they be published so that they are known to the general public and widely accepted.

XI. SUMMARY OF RECOMMENDATIONS

The Commissioners make the following recommendations in their report, after inquiry, respecting the indemnities, allowances and salaries to be paid under the House of Assembly Act, the Executive Council Act and the Members' Retiring Allowances Act.

R-1 *For the year 1986, there be no indemnity, allowance, salary or fee paid to any Member for service on a committee of the House, or the Legislature Internal Economy Board, or attendance at meetings of any committee of the House or Board, except for a per diem of $100.00 to be paid to each member of a Committee or the Legislature Internal Economy Board for attendance at meetings of the Committee or the Board held on days when the House of Assembly is not sitting, or held outside the Halifax-Dartmouth metropolitan area. (p.22)*

R-2 *For the year 1986, a Member of the House of Assembly be paid an annual indemnity of $27,315 and an annual allowance for expenses of $10,340. (p.25)*

R-3 *For 1986 the salary of the Premier, under the Executive Council Act, be $41,675. (p.36)*

R-4 *For 1986 the salary of a Minister having charge of a Department, under the Executive Council Act, be $32,300. (p.36)*

R-5 *For 1986 the maximum possible salary for a Minister without portfolio, under the Executive Council Act, be $32,300. (p.36)*

R-6 *For 1986 the salary of the Speaker, under the House of Assembly Act, be $32,300. (p.36)*

R-7 For 1986 the salary of the Deputy Speaker, under the House of Assembly Act, be $16,150. (p.36)

R-8 For 1986 the salary for the Leader of the Opposition, under the House of Assembly Act, be $32,300 and for the Leader of a recognized party, under the House of Assembly Act, be $16,150. (p.36)

R-9 For 1986 the salary established by regulation of the Legislature Internal Economy Board for the House Leader, for the Deputy House Leader, for the House Leader of the Official Opposition, for the Whip of each Party, and for the Caucus Chairperson of each Party, in each case, be the same as in 1985. (p.36)

R-10 Section 9 of the Members' Retiring Allowances Act be amended to provide that an allowance to a surviving spouse of a deceased former Member entitled to an allowance be seventy-five percent of the allowance that would have been payable to the deceased and that for each surviving dependant child an allowance be five percent to a maximum of twenty percent of the allowance that would have been payable to the deceased. Where the deceased leaves no surviving spouse, or the surviving spouse dies, the allowance payable in respect of surviving dependant children should continue to be equivalent to that payable to a surviving spouse, i.e., seventy-five percent of the allowance to which the deceased was entitled. (p.46)

XII. SUMMARY OF PROPOSALS

The Commissioners consider that a number of matters which do not clearly fall within their commission "to make an enquiry and a report respecting the indemnities, allowances and salaries to be paid ..." are worthy of further consideration by those responsible for the operations of the House of Assembly. While these are not recommendations to be implemented by the Speaker, the Commissioners, after inquiry, make these proposals.

P-1 *The Special Committee on Rules and Procedures consider further the appropriateness of arrangements now recommended for integration of general average fees for committee service with the annual indemnity with special reference to the particular responsibilities of the Law Amendments Committee, the Legislature Internal Economy Board and the chairpersons of committees. (p.22)*

P-2 *The Legislature Internal Economy Board review the existing arrangement for support, services and facilities of private Members in their constituencies and while in attendance in Halifax and give consideration to the following suggestions to ensure that reasonable expenses actually incurred by private Members in the discharge of their responsibilities are reimbursable, and that services and facilities are appropriate to support their work:*

(a) *that Legislature Internal Economy Board Regulation 30(1) be reviewed to provide that each Member of the House be entitled to receive the sum of $300 per month in lieu of expenses incurred on account of services to that Member's constituency, and a further sum not exceeding $350 per month for expenses accounted for by*

proper receipt and incurred in services in that Member's constituency for the provision of office space, meeting places, equipment, telephone (including long distance charges within the constituency and between the constituency and Halifax), telephone answering services, advertising and secretarial services. Further, for an "outside Member" whose costs for long distance calls within the constituency or between the constituency and Halifax are not met within the limit of the latter allowance, provision be made for reimbursement of these costs on presentation of proper accounts;

(b) that Legislature Internal Economy Board Regulation 29 be reviewed to provide that each Member of the House, other than one who operates a government owned or leased vehicle, be entitled to receive either $1,700 in lieu of expenses incurred on account of travel within the Member's constituency, or a sum not exceeding $4,000 for automobile travel within the Member's constituency when accounted for by proper travel report at the same rate as applies to public servants generally;

(c) that Legislature Internal Economy Board Regulation 5 be reviewed so that at least it reflects increases in postal rates, and consideration be given, perhaps by the Special Committee on Rules and Procedures or by the Board, to introduction of variable allowances in lieu of postage that at least in part reflect the number of households in a constituency. (p.29)

P-3 *The Special Committee on Rules and Procedures give consideration to the existing provisions for the support services for each Caucus Office as is provided under regulations of the Legislature Internal Economy Board, and also to the payment of reasonable travel expenses for a limited number of Members on a limited number of trips within the province on assignment by each Caucus Office and, if appropriate, the Committee make recommendations to the Legislature Internal Economy Board. (p.31)*

P-4 *The representation allowance of the Premier be reviewed and be increased to a level up to $4,000 for 1986 in recognition of the expenses incurred personally by the Premier in discharge of duties of his office. (p.37)*

P-5 *The allowance for Ministers who are "outside Members" of the House of Assembly Act for rental of living accommodations in Halifax be reviewed and then established to permit reimbursement of actual expenses incurred for reasonable accommodations. (p.38)*

P-6 *The salaries of the Chief Clerk, the Assistant Clerk and the Sergeant-at-Arms be reviewed by the Legislature Internal Economy Board and set for 1986 at a level about two percent above that established for 1985. (p.39)*

P-7 *In the continuing review, under the Minister of Finance, of the Members Retiring Allowances Account and the implications for funding the account, whether from the Consolidated Fund of the province or from increased contributions by Members, consideration be given to*

P-7 (continued)

a) reduction of the age of eligibility for an allowance perhaps by permitting an allowance for former Members whose age and years of service and contribution equal 60;

b) separate treatment of allowances payable to former salaried Members, i.e., the Premier, Ministers, the Speaker, Leader of the Opposition and others, apart from allowances payable to them as Members,

i) to provide a rate of accumulation of pension benefits for years of salaried office at a higher rate than now, and

ii) to provide an allowance in relation to service in salaried office to be payable independently from an allowance as a former Member, even where a former salaried Member, having left salaried office when otherwise qualified for an allowance, continues as a Member of the House of Assembly. (p.48)

P-8 In the case of optional extended group life insurance available to Members provision be made to permit insurance coverage of the total remuneration of a Member including the annual indemnity and the annual allowance for expenses. (p.49)

P-9 Arrangements be made for Members to participate in the long term disability insurance programme now available to public servants and that these arrangements provide for insurance relating to the total remuneration of a Member including the annual indemnity and the annual allowance for expenses. (p.49)

Appendix A

FOOTNOTES

1. See Appendix B for letter appointing Commission, with a copy of s.43A of the House of Assembly Act, as enacted 1983, c.29.

2. See Appendix C for acknowledgements of assistance provided to the Commission.

3. House of Assembly Act, R.S.N.S. 1967, c.128, s.43A(3)(4) as amended 1983, c.29. (For text of s.43A see Appendix B.)

4. 1985 Submission to the Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials, by the Halifax-Cornwallis Constituency Association, New Democratic Party.

5. Submission on behalf of the Nova Scotia New Democratic Party by Dennis Theman, First Vice-President.

6. Supra, note 3.

7. Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials, Report, 1 December 1983, and Idem, Report, 1 December 1984..

8. Internal Economy Board Regulations 1985, tabled on behalf of the Speaker as Chairman of the Board in the House of Assembly, March 22, 1985, reproduced in Appendix D.

9. Special Committee on Rules and Procedures, terms of reference, Hansard, March 18, 1985, reproduced in Appendix E.

10. Excerpt from the minutes of the meeting of October 23, 1985 of the Special Committee on House of Assembly Matters, submitted to the Commission of Inquiry by the Honourable Arthur R. Donahoe, Chairman of the Special Committee on Rules and Procedures at a public hearing, November 15, 1985, reproduced in Appendix F.

11. Canadian Legislatures: The 1984 Comparative Study, published by the Office of the Assembly, Queen's Park, Toronto, 1984, Robert J. Fleming and J. Thomas Mitchinson, Editors.

12. Supra, note 3, s.3 as amended 1983, c.29.

13. Executive Council Act, R.S.N.S. 1967, c.128, ss.4, 5 as amended 1982, c.24, s.1 and 1983, c.19.

14. Supra, note 3.

15. The Legislature Internal Economy Board is constituted under the Public Service Act, R.S.N.S. 1967, c.255 as 47, 48 and is composed of the Speaker as Chairman, two members of the Executive Council and one or more Members of the House of Assembly to be appointed by the Governor in Council. It is responsible for appointment of all employees of the House except its principal officers and for supervision of all employees, for preparation of annual estimates of the House, and for the passing of accounts and the general expenditure of moneys in connection with the House. The Board also has authority to provide by regulation under the House of Assembly Act,, R.S.N.S. 1967, c.128, s.43, for many aspects of the services, expenses and allowances to support the work of Members and generally for any matter to effectively carry out the intent and purposes of the House of Assembly Act.

16. Information provided by the Office of the Chief Clerk and by the Legislative Counsel.

17. Supra, note 11.

18. Information provided by the Editors, Canadian Legislatures: The 1985 Study (not yet published), Robert J. Fleming and Michael Wiebe.

19. See generally, Canadian Legislatures: The 1984 Comparative Study, Supra, note 11, pp. 44-75.

20. See Appendix G, Table G-5.

21. See Appendix G, Table G-6.

22. Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials, Report, 1 December 1984, p.6.

23. Idem, p.23.

24. See Appendix F.

25. The averages of committee fees paid was provided by the Office of the Speaker and those figures are rounded for purposes of Table D.

26. See Apendix G, Table G-2.

27. See Appendix G, Table G-3.

28. See Appendix G, Table G-6.

29. Supra, note 22, p. 30.

30. Supra, note 22, Section V, pp. 20-23.

31. R.S.N.S. 1967, c.181, as amended.

32. Supra, note 22, p.34.

33. See Appendix C for acknowledgements of assistance provided to the Commission.

Appendix B

The Speaker

House of Assembly
Nova Scotia

PO Box 1617
Halifax, Nova Scotia
B3J 2Y3

902 424-5707

September 24, 1985

Dr. W. Andrew MacKay
President
Dalhousie University
Halifax, Nova Scotia
B3H 4H6

and

Mr. George White, LL.B.
Patterson, Smith, Matthews & Grant
Barristers & Solicitors
P. O. Box 1068
Truro, Nova Scotia
B2N 5B9

Gentlemen:

This will confirm your appointment as Commissioners pursuant to Chapter 29 of the Statutes of Nova Scotia, 1983, to make an enquiry and a report respecting the indemnities, allowances and salaries to be paid under the House of Assembly Act, the Executive Council Act and the Members' Retiring Allowances Act.

I thank you for your willingness to take these duties on again and can assure you of the full co-operation of the Office of the Speaker in carrying out your work.

I look forward to receiving your report on or before December 1, 1985 as required by the Act.

Yours very truly,

Arthur R. Donahoe

Arthur R. Donahoe
Speaker

ARD:nk

AN ACT TO AMEND CHAPTER 128 OF THE REVISED STATUTES, 1967, THE HOUSE OF ASSEMBLY ACT

(Assented to the 1st day of June, A.D. 1983)

Be it enacted by the Governor and Assembly as follows:

1 Section 43A of Chapter 128 of the Revised Statutes, 1967, the House of Assembly Act, is repealed and the following Section substituted therefor:

43A (1) The Speaker, after appropriate consultation, shall on or before the first day of October in each year appoint persons to make an inquiry and a report respecting the indemnities, allowances and salaries to be paid under this Act, the Executive Council Act and the Members' Retiring Allowances Act.

(2) The persons appointed pursuant to subsection (1) shall have all the powers and privileges and immunities of a commissioner under the Public Inquiries Act and shall complete their inquiry and deliver their report containing recommendations to the Speaker on or before the first day of December in the year in which they are appointed.

(3) The Speaker, upon receipt of the report containing the recommendations of the persons appointed pursuant to subsection (1), shall cause the recommendations to be implemented and they shall have the same force and effect as if enacted by the Legislature and shall be in substitution for provisions of this Act, the Executive Council Act and the Members' Retiring Allowances Act, as the case may be.

(4) The recommendations shall apply, from the first day of January immediately following the year in which the persons are appointed to make the report, until subsequently changed.

Appendix C

ACKNOWLEDGEMENTS

The Commissioners gratefully acknowledge the contributions of those individuals and organizations who made oral or written submissions to them or were helpful when consulted in the course of this Inquiry.

During the course of the Inquiry, advertisements were placed to advise the general public of the Commission's work and to invite submissions, and public hearings were held in Halifax on November 15 and 25, 1985. We are grateful to those who made oral or written submissions to us, either privately or at the public hearings. Those who made presentations at the public hearings were:

Halifax-Cornwallis N.D.P. Constituency Association, represented by Dr. Gordon MacDermid, Mr. Don Murray and Mrs. Patricia Cunningham.

Special Committee on Rules and Procedures, represented by Hon. Arthur R. Donahoe, Chairman.

Nova Scotia New Democratic Party, represented by Mr. Dennis Theman, First Vice-President.

As indicated, the Commissioners also had the opportunity to meet with or exchange correspondence with a number of people. We gratefully acknowledge the assistance of the following persons:

Byron Anthony, Deputy Minister, Management Board
Jim Barkhouse, M.L.A., Lunenburg East
Guy Brown, M.L.A., Cumberland Centre
Hon. John M. Buchanan, Q.C., Premier, M.L.A., Halifax Atlantic
A.M. (Sandy) Cameron, Leader of the Liberal Party
Donald Cameron, M.L.A., Pictou East
O. Paul Cormier, Auditor General, Nova Scotia
F.J. Dickson, Q.C.
Hon. Arthur R. Donahoe, Q.C., Speaker of the House, M.L.A., Halifax Citadel
Hon. Terence R.B. Donahoe, Q.C., Minister of Education, M.L.A., Halifax-Cornwallis
Percy Fleet, Director of Pensions and Payroll Services, Department of Finance

Robert J. Fleming, Director of Administration, Ontario Legislative Assembly
J. William Gillis, M.L.A., Antigonish
Hon. Ronald C. Giffin, Attorney General, M.L.A., Truro-Bible Hill
John Holm, M.L.A., Sackville
Don Hubley, Administrative Coordinator, Office of the Speaker
Gardiner Hurley, M.L.A., Cumberland West
Hon. J. Greg Kerr, Minister of Finance, M.L.A., Annapolis West
Dr. Michael Laffin, M.L.A., Cape Breton Centre
Robert Levy, M.L.A., King's South
Hon. Joel R. Matheson, Q.C., M.L.A., Halifax-Bedford Basin
Paul MacEwan, M.L.A., Cape Breton Nova, President and Leader of the Cape Breton Labor Party
Hon. J. A. MacIsaac, Minister of Transportation, M.L.A., Pictou Centre
Hon. Vincent J. MacLean, M.L.A., Cape Breton South
Hon. Tom J. McInnis, Minister of Municipal Affairs, M.L.A., Halifax Eastern Shore
Alexa McDonough, M.L.A., Halifax Chebucto, Leader of New Democratic Party
Hon. Edmund Morris, Minister of Social Services, M.L.A., Halifax Needham
Hon. Joel Matheson, Q.C., Minister of Mines & Energy, M.L.A., Halifax-Bedford Basin
Carmen F. Moir, Deputy Minister, Policy Board
Henry F. Muggah, Q.C., Chief Clerk of the House
S. Myles Rector, Director of Administration, Office of the Speaker
Gerry Redmond, Secretary to the Executive Council
Gerald C. Ritcey, Truro
Hon. Ronald Russell, Chairman of the Management Board, M.L.A., Hants West
Hon. Gerald Sheehy, D.V.M., M.L.A., Annapolis East
Hon. Roland J. Thornhill, Minister of Development, M.L.A., Dartmouth South
Graham Walker, Q.C., Legislative Counsel
Michael Weibe, Executive Assistant to Director of Administration, Ontario Legislative Assembly

The Commissioners wish to draw particular attention to a publication that was most helpful in their inquiry: Canadian Legislatures: The 1984 Comparative Study edited by Robert J. Fleming and J. Thomas Mitchinson, published by The Office of the Assembly, Queen's Park, Toronto. This study presents a comprehensive overview of the workings of the House of Commons and the legislatures of the ten provinces and two territories. Mr. Fleming was also most helpful in providing the Commissioners with data for 1985 where it was available.

Appendix C

The Commissioners acknowledge the assistance in their work of S. Myles Rector and Ms. Joan Kelly, both of the Office of the Speaker, who assisted with correspondence and advertising for the Inquiry. Ms. Kelly served as Secretary to the Commission of Inquiry.

The Commissioners also acknowledge with gratitude the assistance of Mrs. Elizabeth Christian who served as assistant to the Commissioners, making arrangements for the Inquiry, assisting in research and undertaking the preparation and arrangements for publication of this Report.

LEGISLATURE INTERNAL ECONOMY BOARD REGULATION

CITATION

1 This Regulation may be cited as Internal Economy Board Regulation 1985.

AUTHORITY

2 This Regulation is made by the Legislature Internal Economy Board, pursuant to Section 43 of the House of Assembly Act, Chapter 128 of the Revised Statutes, 1967, as that Section is enacted by Chapter 39 of the Acts of 1974 and amended by Chapter 22 of the Acts of 1970-79 and Chapter 28 of the Acts of 1982, subsection (2) of Section 40 of the House of Assembly Act, as that subsection is enacted by said Chapter 39 and amended by said Chapters 22 and 28, subsection (1) of Section 40B of the House of Assembly Act, as that subsection is enacted by said Chapter 22 and amended by said Chapter 28, subsection (7) of Section 42 of the House of Assembly Act, as that subsection is enacted by said Chapter 39 and amended by said Chapter 22, and Section 6A of the Executive Council Act, as that Section is enacted by Chapter 24 of the Acts of 1982.

INTERPRETATION

3 Unless otherwise stated, in this Regulation,

(a) "economy air fare" does not include expenses incurred for the private charter of aeroplanes;

(b) "recognized party" means a party represented by two or more members and which is a recognized party in accordance with the Elections Act and had candidates standing for election for three quarters of the seats of members in the House and which received ten per cent or more of the votes officially recorded in the latest general election of the members of the House; and

(c) other words, phrases and expressions have the same meaning as in the House of Assembly Act.

HOUSE INDEMNITY-ALLOWANCE-TRAVEL-EXPENSE

Indemnity-Allowance-Salary

4 (1) Each member of the House is entitled during the year 1985 to receive his full indemnity and allowance

(a) at any time during that year in a lump sum payment; or

(b) where the member so requests in writing of the Chairman of the Legislature Internal Economy Board, in four, twelve or twenty-six equal

instalments, each instalment being paid at equally spaced intervals throughout the year.

(2) The Clerk, the Assistant Clerk and the Sergeant-at-Arms are eligible to draw their salaries in the same manner as the members of the House of Assembly.

Franking

5 Each member of the House is entitled to receive $2,175.00 in substitution for the franking privilege and in lieu of expenses incurred on account of postage.

Clerk, Assistant Clerk and Sergeant-at-Arms

6 The Clerk, the Assistant Clerk and the Sergeant-at-Arms are each eligible to receive

(a) $832.00 in lieu of expenses incurred on account of telephone expenses; and

(b) $728.00 in lieu of expenses incurred on account of postage.

Outside Member Travel

7 Subject to Section 34, each outside member, except the member of the Executive Council holding the recognized position of Premier or a member of the Executive Council having charge of a department or the member occupying the recognized position of Leader of the Opposition or a leader of a recognized party, is entitled to reimbursement for actual travelling expenses calculated in accordance with Section 35 and incurred in 1985 between the place where he is ordinarily resident and the City of Halifax to attend sittings of the House.

Outside Member Allowance

8 Each outside member, except the member of the Executive Council holding the recognized position of Premier or a member of the Executive Council having charge of a department or the member occupying the recognized position of leader of the Opposition or a leader of a recognized party, is entitled for attending a sitting of the House to

(a) an amount of $50.00 on account of expenses, without receipts, for each day that he is in attendance at the House while the House is in session; and

(b) reimbursement in addition to that authorized by clause (a) for expenses,

(i) with proper receipts for sleeping accommodation charges only, or

(ii) notwithstanding Sections 7 and 34, for travel by the

shortest and most convenient route between the place where the outside member is ordinarily resident and the place where the House ordinarily sits at the rate set out in Section 35,

incurred in attending the House while it is in session to a maximum of $50.00 per day.

Non-Outside Member and Outside Member of Executive Council Allowance

9 Each non-outside member, and each outside member who is a member of the Executive Council or the member occupying the recognized position of Leader of the Opposition or a leader of a recognized party and not entitled to submit a claim pursuant to Section 8, is entitled to an amount of $35.00, without receipts, for expenses for each day that he is in attendance at the House while the House is in session.

Standing Committees

10 (1) The chairman and the members of each of the Standing Committees of the House are entitled to payment for attendance during the year at meetings of those Committees as follows:

(a) Law Amendments Committee

(i) the chairman - $3,500.00

(ii) each member - $3,000.00

(b) Private and Local Bills Committee, Industry Committee, Public Accounts Committee and Internal Affairs Committee

(i) the chairman - $2,000.00

(ii) each member - $1,700.00

(c) all other Standing Committees of the House

(i) the chairman - $1,700.00

(ii) each member - $1,500.00.

(2) No member shall be paid for service on more than three Standing Committees during a session of the House of Assembly.

Select Committees

11 (1) The Chairman of each Select Committee is entitled to receive a payment of $3,250.00 for duties performed in respect of that Select Committee.

(2) Each member of each Select Committee is entitled to receive a payment of $2,500.00 for duties performed in respect of that Select Committee.

(3) No member shall be paid for service on more than two Select Committees during a session of the House of Assembly.

Committee on Rules

12 (1) This Section applies to a Special Committee of the House established to study the Rules and Forms of Procedure of the House of Assembly.

(2) The Chairman of the Special Committee is entitled to receive a payment of $3,250.00 for duties performed in respect of the Special Committee.

(3) Each member of the Special Committee is entitled to receive a payment of $2,500.00 for duties performed in respect of the Special Committee.

Committee Expenses

13 (1) In this Section,

(a) "non-outside member" means a member of the House who is not an outside member, as that term is defined in the House of Assembly Act; and

(b) "outside Halifax" means twenty-five miles or more distant from Province House.

(2) Where the House is not sitting and a meeting of a Standing, Select or Special Committee is held at Halifax or where, whether the House is sitting or not, the meeting of a Standing, Select or Special Committee is held outside Halifax, the Chairman, if he is an outside member, and each outside member of such committee are entitled to

(a) an allowance of $50.00 on account of expenses, without receipts, for each day;

(b) reimbursement in addition to that authorized by clause (a) for travelling expenses calculated in accordance with Section 35 and expenses for sleeping accommodation charges incurred; and

(c) any expenses incurred in respect of the committee authorized in advance by the Legislature Internal Economy Board or the Chairman of that Board,

for return trips between the place where he is ordinarily resident and the place where the committee is meeting.

(3) Where, whether the House is sitting or not, the meeting of a Standing, Select or Special Committee is held outside Halifax, the Chairman, if he is a non-outside member, and each non-outside member of such committee are entitled to

(a) an allowance of $50.00 on account of expenses, without receipts, for each day;

(b) reimbursement in addition to that authorized by clause (a) for travelling expenses calculated in accordance with Section

35 and expenses for sleeping accommodation charges incurred; and

(c) any expenses incurred in respect of the committee authorized in advance by the Legislature Internal Economy Board or the Chairman of that Board,

for return trips between the place where he is ordinarily resident and the place where the committee is meeting.

(4) Sleeping accommodation charges incurred and claimed pursuant to subsection (2) or (3) shall

(a) be accompanied by proper receipts; and

(b) not exceed the government rate for the establishment where the member stayed.

House Leaders

14 (1) A payment of $5,000.00 shall be made to the House Leader.

(2) A payment of $3,000.00 shall be made to the Deputy House Leader.

(3) A payment of $2,000.00 shall be made to the person recognized by the Speaker as occupying the position of House Leader of the Official Opposition.

(4) The Whip of each recognized party of the House shall receive a payment determined by multiplying the number of members of his party by $85.00.

(5) The Caucus Chairman of each recognized party of the House shall receive a payment determined by multiplying the number of members of his party by $85.00.

(6) In this Section, "member" means a duly elected member of the House but does not include the Speaker.

(7) If a payment is made pursuant to this Section to a member in his capacity of House Leader, Deputy House Leader, House Leader of the Official Opposition, Whip or Caucus Chairman, no further payment may be made pursuant to this Section in respect of that position.

CAUCUS

Offices

15 (1) In order to promote the intent of the House of Assembly Act, a payment shall be made to the Caucus Office of each recognized party for support services for that Office, such payment to be equal to the number of dollars determined by multiplying the number of Caucus members of that party in the House by $255.00, and such payment made each month.

(2) Expenditures of money received pursuant to subsection (1) shall be under the control of the leader of each opposition party and, in the case of the government Caucus, the person chosen by that Caucus for that purpose.

(3) Payment pursuant to this Section shall be made to each Caucus office only and not to an individual member of the House.

Private Member Secretarial Assistance

16 (1) To provide secretarial assistance to private members, a payment shall be made to the Caucus Office of each recognized party in the amount that is determined by multiplying the number of private members in the caucus of the party in the House by $6,000.00.

(2) Payment pursuant to this Section shall be made to each Caucus Office only and not to an individual member of the House.

(3) Notwithstanding subsection (1), no Caucus Office of a recognized party shall receive a sum of less than $15,000.00 pursuant to this Regulation.

(4) In this Section, "private member" does not include the Speaker,

the member occupying the recognized position of Premier, a member of the Executive Council, the member occupying the recognized position of Leader of the Opposition nor a leader of a recognized party.

Caucus Chairmen

17 (1) The chairman of the Government Caucus shall be provided with an amount of money sufficient to enable him to engage the services of a secretary at the AS 11 level on the Government Administrative Support Classification and Pay Plan.

(2) The chairman of the Caucus of the Official Opposition shall be provided with an amount of money sufficient to enable him to engage the services of a secretary at the AS 11 level on the Government Administrative Support Classification and Pay Plan.

PREMIER

Representation Allowance

18 A representation allowance in the amount of $3,500.00 shall be paid to the Premier of Nova Scotia for the period from January 1, 1985, to December 31, 1985.

LEADER OF OPPOSITION

Expenses

19 The member occupying the recognized position of Leader of the Official Opposition, in carrying out official duties within the Province, is entitled to be reimbursed for actual and reasonable expenses incurred for accommodation, meals, travel and incidentals incurred by him and one assistant travelling with him.

Living Allowance

20 The member occupying the recognized position of Leader of the Official Opposition, as an outside member, shall receive an allowance equivalent to that provided pursuant to the Executive Council Act to members of the Executive Council for living expenses within the City of Halifax.

Motor Vehicle

21 The member occupying the recognized position of Leader of the Official Opposition is entitled to a leased motor vehicle on the same basis as is a member of the Executive Council for a government leased or purchased motor vehicle.

LEADER OF RECOGNIZED PARTY

Expenses

22 A leader of a recognized party in carrying out official duties within the Province is entitled to be reimbursed for actual and reasonable expenses for accommodation, meals, travel and incidentals incurred by the leader and one assistant travelling with the leader.

the Province is entitled to be reimbursed for actual and reasonable expenses incurred for accommodation, meals, travel and incidentals.

MEMBER FOR CAPE BRETON NOVA

Support Services

23 (1) The member for Cape Breton Nova shall be provided with

(a) office space not exceeding three hundred square feet;

(b) one secretary at the Civil Service classification AS6;

(c) office furniture necessary to furnish the office for the member and one secretary;

(d) one telephone line;

(e) one typewriter; and

(f) reasonable postage.

(2) Should there be any question arising from subsection (1) in respect of the office of the member for Cape Breton Nova concerning

(a) the selection of space;

(b) the selection or amount of furniture;

(c) the selection of a typewriter; or

(d) reasonable postage,

such question shall be determined by the Chairman of the Legislature Internal Economy Board.

(3) The member for Cape Breton Nova shall be entitled to the sum of one hundred and seventy-five dollars per month in lieu of additional secretarial assistance.

(4) The member for Cape Breton Nova may incur long distance telephone charges for telephone calls made from the telephone in his office in respect of House or constituency business.

CHIEF CLERK

Salary

24 The Chief Clerk shall be paid a salary of $32,604.00 per annum.

ASSISTANT CLERK

Salary

25 The Assistant Clerk shall be paid a salary of $27,170.00 per annum.

SERGEANT-AT-ARMS

Salary

26 The Sergeant-at-Arms shall be paid a salary of $17,389.00 per annum.

BILLS

Subscription

27 For the period from and including October 1, 1985, to and including September 30, 1986, the amount to be paid by subscribers to Bills of the House of Assembly is $75.00 for each subscription.

HANSARD

Subscription

28 For the period from and including October 1, 1985, to and including September 30, 1986, the amount to be paid by subscribers to Hansard is $75.00 for each subscription.

CONSTITUENCY MATTERS

Travel

29 Each member of the House is entitled to receive $1,660.00 in lieu of expenses incurred on account of travel within the member's constituency.

Services

30 (1) Each member of the House is entitled to receive the sum of $260.00 per month in lieu of expenses incurred on account of services to that member's constituency and a further sum not exceeding $260.00 per month for expenses accounted for by proper receipt and incurred in services in that member's constituency for the provision of office space, meeting places, equipment, telephone, telephone answering services, advertising and secretarial services.

(2) Where the maximum amount that may be claimed pursuant to subsection (1) is not claimed in any month the unclaimed balance may be claimed in a subsequent month.

Attendance at Halifax

31 (1) Subject to Section 34, each outside member, except the member of the Executive Council holding the recognized position of Premier or a

member of the Executive Council having charge of a department or the member occupying the recognized position of Leader of the Opposition or a leader of a recognized party, is entitled to

(a) an allowance of $50.00 on account of expenses, without receipts, for each day; and

(b) reimbursement in addition to that authorized by clause (a) for travelling expenses calculated in accordance with Section 35 and expenses for sleeping accommodation charges incurred,

for return trips between the place where he is ordinarily resident and the City of Halifax to attend in Halifax other than to attend a sitting of the House or one of its committees.

(2) Sleeping accommodation charges incurred and claimed for pursuant to subsection (1) shall

(a) be accompanied by proper receipts;

(b) not be for more than two nights accommodation unless approved in advance by the Chairman of the Legislature Internal Economy Board; and

(c) not exceed the government rate for the establishment where the member stayed.

Attendance at Ottawa

32 (1) Each member is entitled to

(a) an allowance of $50.00 on account of expenses, without receipts, for each day; and

(b) reimbursement in addition to that authorized by clause (a) for economy air fare, normal airline ground transportation and expenses for sleeping accommodation charges incurred,

for two return trips between the place where he is ordinarily resident and the City of Ottawa to attend in Ottawa on constituency business.

(2) Sleeping accommodation charges incurred and claimed pursuant to subsection (1) shall

(a) be accompanied by proper receipts;

(b) not be for more than two nights accommodation; and

(c) not exceed the government rate for the establishment where the member stayed.

Other Attendance Outside the Province

33 (1) Where a member is not reimbursed pursuant to Section 32, that member is entitled to

(a) an allowance of $50.00 on account of expenses, without receipts, for each day; and

(b) reimbursement, in addition to that authorized by clause (a), for economy air fare, normal airline ground transportation and expenses for sleeping accommodation charges incurred,

for one return trip between the place where he is ordinarily resident and another place in Canada outside the Province to attend that other place on constituency business.

(2) Sleeping accommodation charges incurred and claimed pursuant to subsection (1) shall

(a) be accompanied by proper receipts;

(b) not be for more than two nights accommodation; and

(c) not exceed the government rate for the establishment where the member stayed.

(3) Notwithstanding subsections (1) and (2), the member is not entitled to an amount pursuant to this Section for economy air fare charges in excess of that to which he would have been entitled pursuant to Section 32.

GENERAL

Restriction

34 No member shall be reimbursed for travel expenses authorized by Sections 7 and 31 in excess of fifty-two return trips in 1985 between the place where he is ordinarily resident and the City of Halifax to attend in Halifax, other than for attendance at a meeting of a Select Committee, a Special Committee or a Standing Committee.

Calculation of Travel Expense

35 Each outside member of the House, the member occupying the recognized position of Leader of the Opposition and a leader of a recognized party entitled under the House of Assembly Act to receive travelling expenses is entitled to be reimbursed for claimed travelling expenses incurred out of the Consolidated Fund of the Province for travel by the shortest and most convenient route between the place where he is ordinarily resident and the place where the House ordinarily sits or the Committee is meeting at

(a) the rate of 40.5 cents per mile or 25.2 cents per kilometre; or

(b) the cost of economy air fare plus normal airline ground

transportation.

Request for Reimbursement

36 A person who makes a request for payment or reimbursement shall

(a) make the request in writing on the form provided by the Legislature Internal Economy Board;

(b) make the request within six months from the time the payment or claim for which reimbursement is made was incurred or became eligible to be paid;

(c) sign the requst and certify that the request is correct; and

(d) forward the request to the office of the Speaker.

Limitation on Reimbursement

37 Notwithstanding anything contained in this Regulation, no member may claim for reimbursement an expense

(a) for which he is reimbursed pursuant to anothe regulation or enactment;

(b) paid to his spouse, child. parent, brother or sister;

(c) paid to a person living in the same dwelling, as a member of the same household;

(d) paid to any business or on account of property in which the member or those persons mentioned in clause (b) or (c) have an ownership interest.

Payment Approval

38 (1) Directions for payment of indemnities, allowances, payments or reimbursements and approval of requests for payment or reimbursement shall be issued or made by the Chairman of the Legislature Internal Economy Board, the Vice-Chairman or a person designated by the Chairman.

(2) The person who approves a request for payment or reimbursement has the authority to reduce or increase the amount of the payment or reimbursement claimed where he determines that the amount claimed is in error.

Legislature Annex Renovation Committee

39 (1) The Legislature Annex Renovation Committee consists of

(a) the Speaker of the House of Assembly;

(b) the Deputy Speaker of the House of Assembly;

(c) the Government House Leader;

(d) the Minister of Government Services; and

(e) the member occupying the recognized position of Leader of the Official Opposition.

(2) The Speaker of the House is the Chairman of the Committee.

(3) The renumeration of the Chairman and members of the Committee is $2,000.00 for the Chairman and $1,200.00 for each other member of the Committee.

(4) The Chairman and each member of the Legislature Annex Renovation Committee are entitled to expenses for committee meetings on the same basis and in the same manner as a member of a committee pursuant to Section 13.

Legislature Internal Economy Board

40 (1) The remuneration of the Chairma[illegible] members of the Legislature Internal Economy Board is $6,000.00 fo[illegible] Chairman and $3,000.00 for each member of the Board.

(2) The Chairman and each member of the Legislature Internal Economy Board are entitled to expenses for committee meetings on the same basis and in the same manner as a member of a committee pursuant to Section 13.

Application

41 This Regulation is applicable for the period from the first day of January, 1985, to the thirty-first day of December, 1985.

Approved by the Legislature Internal Economy Board at Halifax, Nova Scotia this 17th day of December, 1984.

Hon. Arthur R. Donahoe, Q.C.
Chairman

Appendix E

EXCERPT FROM HANSARD

Monday, March 18, 1985
The House of Assembly, Halifax

(**RESOLUTION No. 94** - concerning a Committee of the House, approved by the House of Assembly)

BE IT RESOLVED THAT:

(a) This House declare pursuant to the House of Assembly Act that a Special Committee be established to examine the rules, procedures, practices, organization and facilities of the House of Assembly and the provisions for support services and facilities for the Members and that such examination include but not be limited to the following matters:

(i) the Rules and Forms of Procedure of the House of Assembly adopted by the House on May 26, 1980 and amended by the House on March 6, 1981, March 25, 1983 and March 22, 1984;

(ii) the procedures and powers of committees of the House of Assembly, the role and use of such committees and the method of payment for service on such committees;

(iii) the role of the Private Member in the House of Assembly;

(iv) implementation of Resolution 131, respecting a legislative internship program, adopted unanimously by the House of Assembly on the thirty-first day of May, 1983;

(v) the legislative process;

(vi) television coverage of the proceedings of the House of Assembly and its committees; and

(vii) the administration and management of the House of Assembly;

FURTHER BE IT RESOLVED THAT:

(b) the Special Committee report to the House from time to time concerning its program and recommendations concerning the matters referred to it;

(c) notwithstanding the usual practices of this House, if the House is not sitting when an interim or final report of the Committee is completed that the Committee report its findings by depositing its report with the Clerk of the House and it shall thereupon be deemed to have been laid upon the Table;

(d) the Committee be authorized to include an interim or final report drafts of proposed permanent or temporary changes in the Rules and Procedures of the House of Assembly drawn to give effect, if concurred in by the House, to any permanent or temporary change or changes proposed by the Committee;

(e) the Committee be authorized to include in its interim or final reports recommendations as to the implementation of any reforms proposed in the reports of the Committee;

(f) the House declare, pursuant to the House of Assembly Act, that the Special Committee be composed of the Honourable Arthur R. Donahoe, Q.C. and such Members as the Striking Committee shall determine not to exceed a further nine in number, six of whom shall be Members of the Government party, two of whom shall be Members of the Official Opposition and one of whom shall be a Member of any recognized party in the House, with the Honourable Arthur R. Donahoe, Q.C., as Chairman of the Special Committee;

(g) this House declare pursuant to Section 37A of the House of Assembly Act that the Special Committee be authorized to continue its inquiry after the House is prorogued;

(h) notwithstanding the House of Assembly Act or any Rules of the House, the Special Committee of the House be empowered to examine and inquire into all such matters and things as may be referred to the Committee by this House and from time to time report to this House the observations and opinions of the Committee respecting matters and things referred to the Committee and the Committee be further empowered to send for and examine witnesses, papers and records, and to extend to any witness the protection of this House;

(i) the Special Committee be empowered to meet outside of the Province touching on matters pertaining to its study, review and recommendation;

(j) all the powers and privileges under the House of Assembly Act and amendments thereto and the Rules of the House applicable to Standing and Select Committees while the House is in Session shall apply and be of full force and effect during the sittings of the Special Committee;

(k) the House do authorize the Legislature Internal Economy Board on behalf of the Special Committee to employ such members and staff as may be necessary to enable the Special Committee to carry out its duties; and

(l) this House declare that the Legislature Internal Economy Board be authorized to provide the Special Committee, its members and staff with such facilities and funds as are required to carry out their duties and as are provided for by and pursuant to Section 50 of the Public Service Act.

**EXCERPT FROM THE MINUTES
OF THE MEETING OF OCTOBER 23, 1985
OF THE SPECIAL COMMITTEE ON
HOUSE OF ASSEMBLY MATTERS**

The Committee determined that as a result of its review of the Committee system of the House, certain matters should be brought to the attention of the Commission of Inquiry, appointed pursuant to the House of Assembly Act, to consider and report on indemnities, allowances and salaries paid pursuant to the House of Assembly Act. The Chairman was directed to bring to the attention of the Committee its view that:

(a) a separate payment to a member for serving on a Standing Committee be eliminated;

(b) the indemnity paid to a member be increased to include the average amount paid during the 1984 Session to members for service on Standing Committees;

(c) any overall increase in the indemnity (inclusive of the average Standing Committee fee paid during 1984) should not exceed any increase in the cost of living;

(d) a payment be made to members of a Standing Committee on a per diem basis for attendance at Committee meetings when the Committee meets when the House is not sitting or if the Committee meets outside the Halifax metropolitan area;

(e) Section 30 of the Regulations made by the Legislature Internal Economy Board is inadequate in respect of the amount authorized for reimbursement for constituency expenses. An example of such an expense is the case of a member who has several telephone exchanges in his constituency and must incur substantial long distance charges to deal with problems raised by constituents.

SUMMARY RECORD OF INDEMNITIES, ALLOWANCES AND SALARIES FOR M.L.A.'S, SALARIED MEMBERS AND MEMBERS OF THE EXECUTIVE COUNCIL IN NOVA SCOTIA 1978 to 1985

	M.L.A.'S		ANNUAL SALARIES IN ADDITION TO M.L.A.'S REMUNERATION						
Year	Annual Indemnity	Annual Expense Allowance	Speaker	Deputy Speaker	Leader of Opposition	Leader of Recognized Party	Minister without Portfolio	Minister with Portfolio	Premier
1978	$13,200	$ 6,600	$15,000	$ 7,500	$21,000	$ 6,000	$ 6,000 to $21,000	$21,000	$25,000
1979	14,000	7,000	15,000	7,500	25,000	10,000	7,500 to 25,000	25,000	32,000
1980	14,800	7,400	15,000	7,500	25,000	10,000	7,500 to 25,000	25,000	32,000
1981	15,600	7,800	15,000	7,500	25,000	10,000	7,500 to 25,000	25,000	32,000
1982	16,400	8,200	15,000	7,500	25,000	10,000	7,500 to 25,000	25,000	32,000
1983	18,656*	9,328	29,150	14,575	29,150	14,575	7,500 to 29,150	29,150	37,630
1984	19,400*	9,700	30,300	15,150	30,300	15,150	7,500 to 30,300	30,300	39,511
1985	20,280*	10,140	31,670	15,835	31,670	15,835	7,500 to 31,670	31,670	40,860

* For the years 1983, 1984 and 1984 committees fees earned on average by each Member for service on committees were $8,300, $8,500 and $6,500 respectively. The "integrated annual indemnity" as referred to in this report was $26,956 for 1983, $27,900 for 1984 and $26,780 for 1985.

INDEMNITIES, ALLOWANCES AND SALARIES FOR ELECTED MEMBERS BY PROVINCE 1985 (WITH NEAREST CALENDAR YEAR)

	N.S.	N.B.	P.E.I.	NFLD.[1]	QUE.	ONT.[1]	MAN.	SASK.[1]	ALTA.	B.C.
Year	1985	1985	1985	1983-4	1985	1984	1985	1984	1985	1985
Basic Indemnity		$30,640	$15,600	$15,348	$40,400	$34,808	$23,248	$20,968	$24,310	$26,698
Integrated Annual Indemnity	$ 26,780[3]									
Expense Allowance	10,140	12,256	7,200	7,674[2]	8,136	11,686	11,624	10,484	7,150	13,349
Salaries:										
Premier	40,860	41,874	41,650	40,000	52,520	42,917	24,111	37,656	50,494	36,480
Minister with Portfolio	31,670	27,917	29,400	29,000	36,360	25,504	18,111	28,327	37,044	31,283
Minister without Portfolio	7,500)									
	to 30,300)	20,938	N/A	14,500	32,320	12,807	13,111	28,327	26,278	N/A
Opposition Leader	31,670	27,917	23,800	29,000	36,360	29,888	18,111	28,327	37,044	24,762
Leader of recognized party	15,835	N/A	N/A	N/A	14,140	14,998	N/A	14,163	9,261	N/A
Speaker	31,670	20,938	9,000	29,000	36,360	18,826	15,500	11,054	37,044	24,762
Deputy Speaker	15,835	10,469	4,600	10,000	16,160	7,880	3,500	6,562	18,522	11,056

1. 1985 levels are not yet determined for Newfoundland, Ontario and Saskatchewan.
2. Newfoundland members also receive a travel allowance of $11,511 to $15,511 depending on distance to St. John's.
3. In Nova Scotia the Basic Indemnity is $20,280 and this amount, together with committee fees earned for services on all committees which averages $6,500 per Member for 1985, provides an Integrated Annual Indemnity of $26,780.

Appendix G
Table G-2

SUMMARY OF ADDITIONAL REMUNERATION FOR PARTICULAR RESPONSIBILITIES AND FOR COMMITTEE SERVICE IN THE LEGISLATURE BY PROVINCE

A. Particular Legislature Responsibilities (1985)

Responsibility	N.S.	N.B.	P.E.I.	NFLD.	QUE.	ONT.	MAN.	SASK.	ALTA.	B.C.
Parliamentary Assistant	-	-	-	$15,000	$8,340	$7,880	$2,500	$6,907	-	-
Deputy Chair, C'tee of Whole	-	-	-	$5,000	-	$5,473	$2,500	$1,923	$9,261	$2,000
Standing C'tee, Chair	$1,700-$3,500	-	-	$3,000	$10,100	$4,268	-	$1,923/sess.	-	-
Standing C'tee, Vice-Chair	-	-	-	-	$8,080	-	-	-	-	-
House Leader	$5,000	-	-	-	-	-	-	-	-	-
Deputy Gov't House Leader	$3,000	-	-	-	$8,340	-	-	-	-	-
Opposition House Leader	$2,000	-	-	$15,000	$14,140	$9,741	$2,500	$1,923/sess.	-	$1,500
Deputy Opposition House Leader	-	-	-	-	$6,950	-	-	-	-	-
3rd Party House Leader	-	-	-	-	-	$7,333	-	-	-	-
Chief Gov't Whip	$85/mem.	$1,500	-	$3,090	$14,140	$9,741	$2,500	$3,206	-	$2,000
Asst. Gov't Whip	-	-	-	-	$6,950	$6,676/4,815	-	$1,923/sess.	-	-
Chief Opposition Whip	$85/mem.	$1,500	-	$3,090	$12,120	$6,676	$2,500	$3,206/sess.	-	$1,500
Asst. Opposition Whip	-	-	-	-	$6,950	$4,815	-	$1,923/sess.	-	-
Chief 3rd Party Whip	-	-	-	-	$6,950	$5,473	-	$1,035/sess.	-	-
Asst. 3rd Party Whip	-	-	-	-	$6,950	$4,378	-	$517/sess.	-	-
Caucus Chairperson, each Party	$85/mem.	-	-	-	-	-	-	-	-	-

B. Remuneration for Committee Service (1983)

In addition to payments for Standing Committee Chairman and Vice-Chairman, noted above, the following summary reflects arrangements reported for service as Members on House committees:

- per diem - Saskatchewan
- per diem paid when House not sitting in Newfoundland, Prince Edward Island, Quebec, Manitoba and Alberta, and in Ontario similar payments when House not sitting or Committees meet away from legislature while the House is sitting.
- per diem expense allowance, nonaccountable, paid in New Brunswick
- payments for service on committees, standing or select, meeting whether House is sitting or not, in Nova Scotia
- established by Order in Council for specific committees in British Columbia - Members usually receive no per diem for committee work.

Source: Canadian Legislatures: the 1984 Comparative Study, Robert J. Fleming and J. Thomas Hitchinson, Office of the Assembly, Queen's Park, Toronto; 1985 data supplied by these editors.

Appendix G
Table G-3

Appendix G
Table G-4

SITTING DAYS PER SESSION OF THE NOVA SCOTIA LEGISLATURE 1967-1985

Year	Assembly	Session	Sitting Days	Average Sitting Days per Year
1967	49th Assembly	1st Session	4 days	4 days
1968		2nd Session	33 days	
1969		3rd Session	47 days	42 days
1970		4th Session	45 days	
1970-71	50th Assembly	1st Session	40 days	
		2nd Session	6 days	
1972		3rd Session	57 days	55 days
1973		4th Session	52 days	
		5th Session	11 days	
1974	51st Assembly	1st Session	41 days	
1975-76		2nd Session	69 days	
1976-77		3rd Session	55 days	69 days
1977-78		4th Session	58 days	
1978		5th Session	54 days	
1978-79	52nd Assembly	1st Session	77 days	
1980		2nd Session	64 days	75 days
1981		3rd Session	83 days	
1982	53rd Assembly	1st Session	87 days	
1983		2nd Session	64 days	73 days
1984		3rd Session	67 days	
1985	54th Assembly	1st Session	50 days	

TOTAL DAYS OF EXTENDED HOURS 1978-1985

1978-79	39 days
1980	25 days
1981	38 days
1982	31 days
1983	33 days
1984	22 days
1985	16 days

Source: The Office of the Speaker of the House of Assembly

UNIONIZED WAGE SETTLEMENTS
AVERAGE ANNUAL COMPOUND
PERCENTAGE INCREASES
1985

All Industry-Nova Scotia Certified	
1st quarter base level wages	5.0%
2nd quarter base level wages	5.4%
3rd quarter base level wages	4.9%
1st quarter skilled level wages	4.9%
2nd quarter skilled level wages	5.3%
3rd quarter skilled level wages	4.6%
Public Administration Sector - Nova Scotia	
1st quarter base level wages	5.2%
2nd quarter base level wages	5.9%
3rd quarter base level wages	4.7%
1st quarter skilled level wages	7.1%
2nd quarter skilled level wages	5.8%
3rd quarter skilled level wages	5.3%
All Industry - Federally Certified	
1st quarter	3.2%
2nd quarter	3.5%
Public Sector - Federal	
1st quarter	3.6%
2nd quarter	3.5%
Private Sector - Federally Certified	
1st quarter	2.6%
2nd quarter	3.6%

Source: Nova Scotia Department of Labour, Research Division

Appendix G
Table G-6

AVERAGE SALARIES OF SELECTED PUBLIC SECTOR GROUPS NOVA SCOTIA, 1978 - 1985

	Year	Average Salary
TEACHERS	Aug. 01/78	$19,271
	Aug. 01/79	21,294
	Aug. 01/80	23,896
	Aug. 01/81	27,473
	Aug. 01/82	30,251
	Feb. 01/83-Aug. 01/83	33,701
	Aug. 01/84	35,307
	Aug. 01/85	38,131
DEPUTY MINISTERS	1978	$44,439
	1979	47,285
	1980	50,714
	1981	55,714
	1982	58,193
	1983	60,521
	(April 1) 1984	70,681
	(April 1) 1985	73,492
PROVINCIAL JUDGES	Apr. 01/78	$36,404
	Apr. 01/79	39,317
	Apr. 01/80	42,462
	Apr. 01/81	45,859
	Apr. 01/82	50,838
	Apr. 01/83	53,888
	Apr. 01/84	57,000
	Apr. 01/85	60,000
CIVIL SERVICE MANAGEMENT GROUP	Apr. 23/78	$26,372
	Apr. 22/79	28,019
	Apr. 20/80	30,610
	Apr. 19/81	31,953
	Apr. 01/82	34,807
	Apr. 01/83	37,436
	Apr. 01/84	39,311
	Apr. 01/85	41,309

* The average for Teachers for Aug. 01/85 is calculated on the basis of contractual changes, while for earlier years the average is the average of salaries paid.

Source: Nova Scotia Civil Service Commission, November 1985

Appendix G
Table G-7

CONSUMER PRICE INDEX FOR CANADA (All items)
1978-1985

(1981 = 100)

December 1978	76.5
December 1979	84.0
December 1980	93.4
December 1981	104.7
December 1982	114.4
October 1983	119.2
December 1983	119.6
October 1984	123.2
December 1984	124.1
September 1985	128.0

Cumulative Increase: December 1978 to September 1985:
51.5 index points or 67.3%

Increase September 1984 to September 1985, All items index:
for Canada as a whole - 5 points or 5%
for Halifax - 4.4%

Source: Statistics Canada, The Consumer Price Index,
Catalogue 62-001, September 1985, Table 2, and p. 19

Appendix H

Principles Relating to Remuneration and Support for Members and Ministers

Identified in Previous Reports of Commissions of Inquiry in Nova Scotia in 1977 and 1982

The primary rewards in an active life of service to the public are the opportunity to serve and contribute to the resolution of social problems and to the improvement of life for all in the province. In our meetings and discussions with elected members, and former members, we have been impressed with this vision by those who so serve, and by the sincerity with which they approach their task. As in an earlier report, we again underline our considered view that over the years Nova Scotia has been singularly blessed by the willingness of able people to take their part in public life. Many have done so at considerable personal sacrifice for themselves and their families. In recent years, as at other times when remuneration for service in office has fallen behind escalating costs, many have served at substantial financial cost to themselves both in direct costs exceeding their remuneration, sometimes to the extent of several thousands of dollars, and indirect losses of income that might be derived from business, professional practice or other activities if time were not so committed to service in government, the legislature and to constituents.

At any time the financial and other circumstances of life for members elected to the legislature will vary on a personal, individual basis. Fortunately, our legislators do not fit any mold and they represent constituencies which vary in size, in economic circumstances and in social standards. From a variety of backgrounds across the province they together provide assurance that our democratic processes ultimately will work to serve our own long-run interests.

While there is no "standard" M.L.A., we have the task of assessing standards for their remuneration. In our view, that task involves developing a standard for fair and reasonable indemnities, allowances and salaries based on certain principles. Those principles enunciated in previous reports include:

1) remuneration should be adequate in light of the time and responsibilities involved in office, and the risks of disruption of career and personal opportunities so that our political parties and their leaders, upon whom parliamentary government depends, may attract the most able persons among us to seek office and not deter the best of those elected from accepting and continuing full-time service in government;

2) remuneration should be reasonable so that the person who has no personal financial resources except through his vocational earnings, which may be terminated or seriously affected if he is elected, is not dissuaded from seeking office to serve the province merely because of financial circumstances;

3) remuneration should be adequate to ensure that M.L.A.'s and Ministers are supported without unfair financial sacrifice upon them or their families, particularly for those in their prime earning years when family and other obligations are likely to be heavy.

Remuneration and support that is fair and reasonable will not unduly encourage anyone interested primarily in financial reward for the balanced judgment of political parties and of the electorate can be counted upon to reject those not primarily interested in public service. Nor will such remuneration result in any significant financial advantage for any elected member who happens to be comparatively well-to-do, for our progressive income tax structure precludes that result.

In the application of these principles a number of factors have been taken into account in previous studies including:

1) The evolving workload of M.L.A.'s, the House of Assembly and Minister's both in relation to legislative and governmental concerns of the province, and, for each member in service to constituents.

2) Changes in general economic circumstances since the last basic change in indemnities, allowances and salaries – e.g.

   – changes in inflation indexes.
   – changes in wages and salaries in the private and public sectors in the province.

3) Comparisons with levels of similar payments for service in the legislatures of other provinces of Canada.

POOR
QUALITY
ORIGINAL